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2
3 IN RE THE MEETING OF THE)
4 BAY-DELTA ADVISORY COUNCIL)
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ORIGINAL

10 TRANSCRIPT OF PROCEEDINGS

11 Capitol Plaza Holiday Inn

12 300 J Street

13 Sacramento, California 95814
14

15 Wednesday, August 16, 1995 at 10:15 a.m.
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20 REPORTED BY: SUSAN PORTALE, CSR NO. 4095, RPR, CM
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Commission

LESTER SNOW, Executive Director

SUNNE McPEAK, Bay Area Economic Forum

ERIC HASSELTINE, Contra Costa Council

STEVE HALL, Association of California Water
Agencies

JACK FOLEY, Metropolitan Water District of
Southern California

ALEX HILDEBRAND, South Delta Water Agency

TOM MADDOCK, California Chamber of Commerce

BOB RAAB, Save San Francisco Bay Association

RICHARD IZMIRIAN, California Sportfishing
Protection Alliance

DON BRANSFORD, Glenn-Colusa Irrigation District

ROGER STRELOW, Beveridge & Diamond

ROSEMARY KAMEI, Santa Clara Valley Water
District

DAVID GUY, California Farm Bureau Federation

TOM GRAFF, Environmental Defense Fund

JUDITH REDMOND, Community Alliance with Family
Farmers

PIETRO PARRAVANO, Pacific Coast Federation of
Fishermen's Associations

COUNCIL MEMBERS: (cont'd)

ROGER THOMAS, Golden Gate Fishermen's
Association

HARRISON (HAP) DUNNING, Bay Institute

ROBERTA BORGONOVO, League of Women Voters

LELAND LEHMAN, California Waterfowl Association

PAT McCARTY, Delta Protection Commission

TIB BELZA, Northern California Water Association

MARCIA SABLON, Mayor of Firebaugh

ROGER PATTERSON, Designated Federal Official

MICHAEL MANTELL, Designated State Official

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1 (All parties present, the following proceedings were
2 had at 10:15 a.m.):

3
4 CHAIRMAN MADIGAN: Good morning. I
5 apologize for the delay in getting started.

6 You are at the August 16th, 1995 meeting of the
7 Bay-Delta Advisory Council here in Sacramento.

8 My name is Mike Madigan and it's my pleasure
9 once again to kick this enterprise off.

10 I want to do something before we get started
11 again because several of you in the audience were not here
12 last time and indeed I think there are even a couple of you
13 here on the BDAC Board who were not here for our first
14 meeting and that's to start off with a round of
15 self-introductions.

16 Nice timing, Mr. Mantell. Nice to see you.

17 And that's a round of self-introductions.

18 As I said earlier, my name is Mike Madigan.
19 I'm from San Diego. I was am the Chairman of the San Diego
20 Water Authority when Lester Snow, was the general manager,
21 and I once again will tell you that I look forward to
22 working with all of you.

23 To my right, although I will allow her to
24 introduce herself, is Sunne McPeak.

25 Sunne is Vice-Chair of this organization, and

1 MR. HILDEBRAND: I'm Alex Hildebrand. I

2 live and work as a farmer in the South Delta.

3 I'm a representative of the South Delta Water

4 Agency, and, as I said last time, I am a veteran of BDOC

5 and, as I said last time, I'm one of only two members on

6 the BDOC who actually live and work and see what goes on in
7 the Delta.

8 MR. MADDOCK: Tom Maddock, I'm with Royal
9 Engineering.

10 I'm a member of the California Chamber of
11 Commerce Board of Directors.

12 I'm also a veteran of BDOC.

13 I'm also a member of the Western States Water
14 Council.

15 MR. RAAB: I'm Bob Raab. I'm from
16 San Anselmo. That's next to San Rafael, and that's north
17 of the Golden Gate. I'm here for the Save San Francisco
18 Bay Association.

19 MR. IZMIRIAN: I'm Richard Izmirian from
20 San Carlos, California.

21 I'm with California Sportfishing Protection
22 Alliance.

23 Also a Board Member of the Federation of Fly
24 Fishers and have served on the Striped Bass Advisory
25 Committee since it's inception.

1 I look forward very much to working with Sunne as well.

2 MS. McPEAK: Thank you, Mike.

3 Good morning, ladies and gentlemen.

4 As you just heard, I'm Sunne McPeak. I
5 represent the Bay Area Economic Forum. It is really an
6 honor and a pleasure to be able to join all of you in this
7 endeavor.

8 Those who are members of BDAC and also those of
9 you in the audience who are going to be following this
10 process and I'm hopeful and quite optimistic that we will
11 be able to reach a resolution and consensus in California
12 to best manage our water resources and meet California's
13 water needs.

14 So thank you very much.

15 CHAIRMAN MADIGAN: Eric.

16 MR. HASSELTINE: My name is Eric
17 Hasseltine. I'm from Contra Costa County and representing
18 the Contra Costa Council.

19 MR. HALL: My name is Steve Hall. I'm the
20 Executive Director of the Association of California Water
21 Agencies and a veteran of the Bay-Delta Oversight Council.

22 MR. FOLEY: I'm Jack Foley, Chairman of
23 the Board of the Metropolitan Water District of Southern
24 California and a trustee on the Southern California Water
25 Committee.

1 MR. BRANSFORD: I'm Don Bransford.

2 I'm a farmer and President of the Board of the
3 Glenn-Colusa Irrigation District.

4 MR. STRELOW: Roger Strelow, a partner in
5 the law firm of Beveridge & Diamond in San Francisco.
6 It's an environmental law firm.

7 I'm a former Assistant Administrator for water
8 at the U. S. Environmental Protection Agency and our firm
9 represents or has represented a number of the parties
10 involved in this activity.

11 MS. KAMEI: I'm Rosemary Kamei.

12 I'm Chair of the Santa Clara Water District.

13 MR. GUY: I'm David Guy with the
14 California Farm Bureau Federation here in Sacramento.

15 CHAIRMAN MADIGAN: Michael.

16 MR. MANTELL: I'm Michael Mantell, the
17 Secretary for Resources for the State of California and the
18 State representative.

19 MR. PATTERSON: I'm Roger Patterson.

20 I'm the Regional Director for the Bureau of
21 Reclamation in Sacramento and I am the Federal
22 representative on this Council.

23 MS. SABLAN: I'm Marcia Sablan, the Mayor
24 of the City of Firebaugh in the Central Valley.

25 I'm representing the citizens of the

1 agricultural community.

2 MR. BELZA: I'm Tib Belza.

3 I'm a Director for Yuma County Water Agency, a
4 farmer and a Chairman of the Northern California Water
5 Association.

6 MR. MCCARTY: I'm Pat McCarty.

7 I'm a farmer in the Delta and a landowner, and
8 I'm the current Chairman of the Delta Protection
9 Commission.

10 MR. LEHMAN: Lee Lehman, Executive Director
11 of Suisun Resource Conservation District representing CWA,
12 California Waterfowl Association.

13 MS. BORGONOVO: Roberta Borgonovo, with
14 the League of California Woman Voters of California.

15 MR. DUNNING: I'm Hap Dunning.

16 I'm the Chair of the Board of Directors of the
17 Bay Institute of California.

18 MR. THOMAS: I'm Roger Thomas, President of
19 Golden Gate Fishermen's Association, which represents the
20 commercial passenger vessels in Northern Central
21 California.

22 I'm also the active owner-operator of a
23 commercial vessel.

24 MR. PARRAVANO: Good morning, I'm Pietro
25 Parravano from Half Moon Bay.

1 I'm President of PCF of A, which represents the
2 commercial fishermen of the State of California.

3 MS. REDMOND: I'm Judith Redmond, the
4 Director of Community Life With Family Farmers and a
5 partner of a farm in the Kaipai Valley.

6 MR. GRAFF: I'm Tom Graff, Environmental
7 Defense Fund, Oakland, California.

8 MR. SNOW: Lester Snow, Executive Director
9 of the CalFed Bay-Delta Program.

10 CHAIRMAN MADIGAN: Thank you all very
11 much.

12 I hope those of you in the audience have the
13 same sense that I do, that this is a very diverse group of
14 people with an awful lot of experience in the issue before
15 the House, and I share Sunne's hope and her enthusiasm that
16 this is a group that will make a positive difference in a
17 resolution of a long-standing issue in this State.

18 Although I haven't yet seen him, I understand
19 that our Secretary for Resources for the State of
20 California is here, Doug Wheeler.

21 Doug, thank you very much for joining us.

22 Would you like to say something, sir?

23 MR. WHEELER: No, I'm happy to sit and
24 listen. Thank you very much, Mr. Chair.

25 CHAIRMAN MADIGAN: Really?

1 MR. WHEELER: Enough said.

2 CHAIRMAN MADIGAN: Nice to see you. I
3 understand that David Coddingham is sitting back there with
4 you, and I haven't seen David either -- yep, sure enough.

5 MR. CODDINGHAM: We are sitting back here
6 with our green suits and I'll follow Doug's lead.

7 CHAIRMAN MADIGAN: Fair enough.

8 Thank you both very much for being here today.

9 I understand that a number of you attended the
10 first CalFed Bay-Delta workshop here in Sacramento and I'm
11 going to ask Lester to give us a report on how that went,
12 but I am pleased that some of you were able to attend.

13 I would hope that all of us are able to at
14 least attend the meetings in our areas and listen to what
15 people have to say.

16 If you're going to go, let Lester know or let
17 Sharon know so that they can have a name badge for you
18 there because it's important for a couple of reasons; that
19 you'd be identified as members of this process during your
20 attendance at those meetings.

21 So give them a call and that would be very
22 helpful to us all.

23 There are going to be public meetings held at
24 the end of September and then move around the State, as I
25 understand it, Lester.

1 And again you'll be provided with information
2 by Judy Kelley as to the events in your area.

3 Please try to attend if you can.

4 You have folders in front of you with materials
5 for today's meeting. Hopefully, they are all referenced so
6 that you can find the Items that refer to particular Items
7 on the Agenda.

8 For those of you in the audience who are also
9 interested in copies of this material you should have found
10 it available to you at the Registration table just outside
11 of the room here and if you're interested in a particular
12 Item, you want to swing by and pick up a copy of that
13 Agenda item, please feel free to do so.

14 There is also at that table out there an
15 opportunity to sign up for Public Comments.

16 We welcome your comments. There are going to
17 be a couple of different opportunities at each meeting for
18 public comment.

19 One of them is going to be in conjunction with
20 each of the individual Agenda items that comes before us.

21 If you want to speak to that Agenda item, fill
22 out the appropriate piece of paper, we would be happy to
23 call on you, and if you have general comments that don't
24 relate to a specific Agenda item, we will also have an
25 opportunity for general Public Comment at the end of the

1 meeting and we would welcome your participation at that
2 point.

3 There is also, I gather, out there a schedule
4 for public participation through the end of the year and
5 you are obviously all welcome at that as well.

6 For BDAC members, lunch will be served in the
7 Balboa Room, which is through that door marked "Exit"
8 (indicating) in the back, okay.

9 And, as I gather there are plenty of
10 opportunities for everybody to have lunch in and around the
11 hotel.

12 The purpose of keeping the BDAC people together
13 is so that they don't go off and try to conduct actual,
14 purposeful business on their own or something like that,
15 perhaps in the way that they make a living.

16 We try to avoid actually making a living at
17 meetings like today.

18 Let's see here. I have some notes here that I
19 want to share with you as to how we intend to function and
20 then if there are any discussions on those by members of
21 the BDAC, I'd be happy to listen to you.

22 It's my expectation that on each individual
23 item that members of the BDAC will have an opportunity to
24 deliberate on the issue and then we are going to provide a
25 opportunity for public input on that specific subject.

1 It may be necessary at some point to begin to
2 reign in the conversation, but if you, particularly those
3 of you in the audience, feel that you haven't been given
4 sufficient time or sufficient opportunity to comment, we
5 would welcome your comments in writing.

6 And, frankly, we would welcome your comments in
7 writing, anyway, because that's helpful to us.

8 Again, we'll have a Public Comment period at
9 the end of the meeting for items of general interest.

10 Please sign up for it so we have your name in
11 advance and all of the relevant information.

12 The next BDAC meeting is going to be
13 October 18th. It's going to be in the Bay Area. It has
14 not yet found a home but presumably it will fairly shortly
15 and we will communicate all of that with you.

16 The meeting following is going to be
17 December 6th here in Sacramento and it's already been
18 scheduled at the Beverly Garland.

19 It will also start at ten a.m., and I
20 understand that Lester and staff are working on a schedule
21 for next year.

22 That will also include a meeting in Southern
23 California -- too bad Ray Remy isn't here. That seems to
24 be a continuing theme for Ray and we will try to do that.

25 Are there any questions in terms of the

1 housekeeping items by members of the BDAC?

2 All right. Then we will move forward.

3 Again, it's nice to see such a nice turnout of
4 everybody in the midst of summer vacations and all, and I
5 know that some of you are just racing in, as Lester did
6 this morning from his vacation and some of you are racing
7 off as we leave, as Sunne will be, and it's really nice
8 that you guys scheduled things in such a way that you could
9 make it here today.

10 Item Number 2. on the Agenda is a review of the
11 Bay-Delta Program Process, and Lester is going to give
12 that. Mr. Snow, you're on.

13 MR. SNOW: Thank you, Mr. Chairman.

14 Indeed I was camping this weekend with my
15 family, checking out the water resources of the lovely
16 State of California and I know this morning I would have
17 caught that trout. It would have been this morning but I
18 sacrificed and came here.

19 I think a lot of what we want to get into in
20 terms of discussion today is under Item 3., particularly
21 the report of the workshop and how we have begun to process
22 that kind of information.

23 But before doing that I want to again go
24 through kind of a map of the overall process, and I
25 probably will do that at every BDAC Meeting, even the last

1 one when we are celebrating the victory that we achieved in
2 forging a lasting solution.

3 I think it's real important that we keep an eye
4 on the process and where we are in the process as we get
5 into each of these discussions on specific issues.

6 Even before getting into that, with respect to
7 your pickup packet (indicating), I want to point out, there
8 is one item in the pickup packet that's not properly
9 identified as the source of that item, and it's entitled up
10 in the top corner "Water Briefings, July, 1995, Options For
11 California Laws As It Affects Water Transfers, Discussion
12 Briefs For The Business Sponsored Water Marketing And
13 Finance Project."

14 That is a paper jointly sponsored by the
15 business round table, California Farm Bureau, California
16 Chamber of Commerce and the California Manufacturer's
17 Association.

18 And this is a white paper that they have
19 developed to stimulate some discussion in group meetings
20 around the State and tried to get some thought process
21 going on these kinds of issues and this will be referenced
22 in one of our presentations later on today on finance.

23 If I could, though, I want to take some time
24 now to kind of backtrack a little bit on what are we up to,
25 where does this fit into a bigger picture and where do we

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1 go from here, and, as you might have guessed, I'm planning
2 on using some overheads for this part of the discussion.
3 You folks will have to tell me if that's in
4 focus or not.
5 How are we doing?
6 IN UNISON: Okay.
7 MR. SNOW: One of the things that's
8 important to remember as we go through this is that CalFed
9 as an organization of State and Federal Agencies that have
10 come to work together on the Delta really has three groups
11 of activities going on and they are not all the CalFed
12 Bay-Delta Program that we are engaged in.
13 The first activity that drew a lot of attention
14 was Water Quality Standards, also was the Ops group and
15 then the Bay-Delta Program itself, which is the long-term
16 fix.
17 These three activities were the basic
18 objectives in the Framework Agreement that we discussed at
19 the last meeting.
20 In terms of the CalFed Bay-Delta Program,
21 again, to reiterate that which we discussed at our first
22 meeting, I guess there is three basic principles that we
23 are looking at as we try to proceed with this.
24 The first is that we have to come up with a
25 lasting solution. It cannot be a program that simply deals

1 plan put together.
2 I think we recognize in this day and age if you
3 are not working on how you are going to pay for something,
4 it's probably not worth proceeding with what it is you want
5 to pay for.
6 We've got to come up with the financial
7 strategy long before we have devised the final plan.
8 And in order to do that we've got to make sure
9 that the public is on board so we need to have an
10 aggressive Public Outreach Program, which Judy Kelley will
11 discuss a little bit more in detail today.
12 Now, in terms of the main work activity, again,
13 the way we've laid this out is in three program phases.
14 The first phase is dealing with the
15 identification of problems, setting goals and objectives
16 and developing a reasonable set of alternatives, which will
17 be carried forward into phase two, which is the first
18 tiered environmental process. That's the first phase or
19 programmatic level of environmental EIR EIS process.
20 The third phase then is the project level or
21 detailed environmental analysis necessary to actually
22 implement projects.
23 And, again, I think it's clear to everybody at
24 this point that each phase is dependent on the previous
25 phase.

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1 with the next drought or the next endangered species but
2 rather a comprehensive program.
3 In order to be lasting it must be
4 comprehensive.
5 In order to be comprehensive it must be
6 collaborative.
7 We've got to try to reach out and get as many
8 people involved in this program as we can to make sure
9 we've got all of the issues identified.
10 The first workshop that we held several weeks
11 ago was one of our efforts at trying to reach out and make
12 sure we are getting people involved and getting as many new
13 ideas into the process as we can and it's our feeling that
14 only through that kind of effort can we ever achieve a
15 lasting solution if we make sure that we've got all of the
16 issues in front of us and not leaving behind issues that
17 could become critical later.
18 Again, as we discussed the last time, we
19 basically have divided our program up into three
20 components.
21 The first component is the main technical area
22 of our program, and that's a three-phased work program that
23 we'll discuss a little bit more today.
24 The second is to try to develop a financial
25 strategy, even before we are anywhere near having a basic

1 If we cannot come to a meaningful conclusion in
2 phase one as to what the problems are we are trying to deal
3 with, what our objectives are and what the alternatives
4 are, there's probably not much sense moving on to phase
5 two, and so each phase needs to be drawn to a crisp
6 conclusion before moving on to a subsequent phase.
7 Now, we've been asked a lot of questions about
8 what the different levels of detail are, what is
9 represented by these phases.
10 You thought we were dealing with water issues.
11 I have a transportation problem.
12 And so if you think of phase one, starting in
13 phase one, as everybody agreeing that there is some sort of
14 transportation problem, at the end of Phase 1 we should be
15 able to conclude we should be able to conclude we need to
16 buy a motor vehicle, and it could be a van, a car or a
17 motorcycle, and that's what's taken into Phase 2.
18 And in Phase 2 you conclude after analysis you
19 need to buy a car, and that's what's taken into phase
20 three, and in Phase 3 you conclude that you need to buy a
21 four-door Ford Taurus station wagon.
22 And these are the kinds of progressive --
23 Michael just noted that that's actually what I drive so I
24 know what the answer is already.
25 So it's just that kind of a generalized way of

1 showing the progression of detail in this 3 Phase process.
2 Now, if you want to pick off a kind of a
3 specific example that might compromise one of the
4 alternatives, and, again, keep in mind that an alternative
5 is in a package of actions.

6 An alternative may consist of 60 or 70 discreet
7 actions, and if you can conceptualize at the end of Phase 1
8 in one or more of the alternatives is an action that we
9 need to restore shaded riverine habitat, and that's
10 something that you'll see coming up a lot.

11 There seems to be a lot of consensus that a
12 loss of shaded riverine has caused a lot of problems in the
13 Delta.

14 So at the end of Phase 1 you've concluded you
15 that you need to restore some.

16 At the end of Phase 2 you've developed that you
17 need to restore seven to nine thousand acres of riverine
18 habitat in the Central and Eastern Delta .

19 At the end of Phase 3 you've concluded you need
20 exactly 9,000 and you've identified the specific islands or
21 specific areas it needs to be restored on.

22 So again that's the kind of progression that we
23 are expecting as we go through the phasing on this.

24 One other issue that's extremely important that
25 we keep in mind particularly for our subsequent discussion

1 today on problem identification, we have to keep in mind
2 that when we identify a problem and the action that will
3 solve that problem, that the action itself may have impacts
4 that just have the effect of relocating the problem.

5 And so when we go through this process and we
6 clearly identify a shaded riverine habitat problem, we
7 identify an action, we have to identify the impacts of
8 those actions to make sure that we are not simply shifting
9 the location of the problem from one geographic area or
10 from one economic sector to another, and that's real
11 important to keep in mind as we go through this process.

12 Now, and, again, back to the basic three
13 Phases, and I cannot underscore enough the importance of
14 Phase 1.

15 This is where we are going to succeed or
16 potentially fail, is on Phase 1, and our identification of
17 the problem, identification of objectives and agreement on
18 a set of alternatives, and so we are putting a lot of
19 effort and focusing on Phase 1 in getting the collaborative
20 effort we've been talking about in getting as wide a spread
21 a problem definition as we can identify on this.

22 Phase 1, we have set up as a six step program.

23 We want to do it twice as fast as the normal 12
24 step program but, hopefully have the same -- okay,
25 Roger -- you're going to see this model over and over

1 again.

2 We've laid this out in a sequential incremental
3 fashion, six steps, to try to get us to that narrow set of
4 alternatives as we move into the environmental process.

5 At each point in our program I want to let you
6 know exactly where we are, and we are on Step 1 of this
7 process.

8 Staff is beginning the kind of work that's
9 necessary for Step 2 and 3. So we are starting to generate
10 the material that will then move us along in this process,
11 but our focus right now is on Step 1.

12 And, again, the process that we are moving
13 through is Step 1, problem definition; Step 2, mission,
14 goals and objectives; Step 3 is actions; Step 4 is solution
15 strategies; Step 5 is preliminary alternatives; Step 6 is
16 refined alternatives, and finally on into Tier 1,
17 environmental process or Phase 2 is a short list of
18 alternatives.

19 If I can kind of condense that a little bit and
20 show where BDAC and where the Public Workshops fit into all
21 of this.

22 Essentially we have laid out a schedule that
23 has a Workshop happening every month at critical points of
24 the program and then BDAC being able to engage on each of
25 these major items and, hopefully, by April start coming to

1 some consensus on the alternatives that will move forward
2 into the Phase 2 part of the process.

3 And, again, this schedule has us issuing an
4 Alternatives Report or scoping document by mid-May of '96.

5 So it's fairly aggressive in terms of the
6 Workshop schedule, generating that information, condensing
7 it, providing it back to BDAC and CalFed in a usable
8 fashion.

9 So there is not much downtime in this process.

10 But, again, I think we need to put those kind
11 of resources into Phase 1 if we are going to have any
12 chance of success.

13 Now, just a couple of final comments on process
14 before we get into the next Agenda Item, starting with a
15 review of our first Workshop, again, BDAC plays a critical
16 role, both of in terms of providing comment directly into
17 the CalFed process, the expertise that is on this Council,
18 also providing a forum for people to get up and provide
19 comments here in public on the Program, and also for you as
20 BDAC members to identify publics that we need to be dealing
21 with.

22 There is a broad range of interest represented
23 on the Bay-Delta Advisory Council. You need to let us know
24 if we are missing groups out there that need to be
25 addressed, that need to be listened to so we can make sure

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1 that we've got everybody on board.
 2 That's essentially if we are going to be
 3 comprehensive in our approach.
 4 It's also essential if we are going to keep
 5 such a tight time frame.
 6 Again, we set this up so that we had these
 7 Workshops, we can generate information from the Workshops,
 8 condense that and try to provide it back to BDAC so you
 9 have that information available to judge Staff products and
 10 take a look at what the broader public thinks about the
 11 program and thinks about issues in the Delta.
 12 And this is the mandatory graphic that we will
 13 show at the beginning and end of each BDAC Meeting and,
 14 that is, that we are trying to achieve a healthy Bay-Delta
 15 system.
 16 First we need to define what that means, a
 17 general understanding that there's pieces of a puzzle we
 18 need to define.
 19 There is not just a water supply problem.
 20 There is not just a water quality problem, it's not just a
 21 Delta smelt problem, but we've got to try to piece all of
 22 this together in a comprehensive fashion.
 23 So that's my general overview and to kind of
 24 put us in perspective of where we are in the process.
 25 In the 6 Step program we are on the first step.

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1 We need to be deliberate about how we define
 2 the problems and then we need to move expeditiously on to
 3 the next steps of identifying goals and objectives and into
 4 actions.
 5 With that I'd be glad to respond to any
 6 questions anybody might have.
 7 CHAIRMAN MADIGAN: Questions by members of
 8 BDAC anybody?
 9 Thoughts? Hopes? Fears? Aspirations?
 10 Concerns?
 11 Okay. Let me ask for anybody in the audience
 12 who has indicated that they would like to speak on that
 13 particular Item, Lester's report.
 14 All right, fine. Seeing none then we will move
 15 on to Current Program Activities.
 16 And the first Agenda Item, Lester, as I
 17 understand, a, b., and c., Dick Daniel is going to make
 18 the presentation.
 19 Dick.
 20 MR. DANIEL: Thank you, Mr. Chairman.
 21 We held our first Workshop on August 3rd here
 22 in Downtown Sacramento.
 23 CHAIRMAN MADIGAN: Can you all hear in the
 24 back?
 25 THE AUDIENCE: No.

1 MR. DANIEL: Can you hear me now?
 2 THE AUDIENCE: There's feedback a little
 3 bit.
 4 CHAIRMAN MADIGAN: Yeah, we can hear that,
 5 too. But you can hear, okay.
 6 MR. DANIEL: At each of our Workshops we
 7 had three basic objectives; the first and most importantly
 8 is to gain information and insight into issues surrounding
 9 the Delta Program.
 10 Secondly, and equally important, is to engage
 11 people in the discussion and occasionally the debate over
 12 the issues.
 13 And, thirdly, to enroll people in our process
 14 and maintain a relationship with them where they feel very
 15 comfortable that they have been heard and that their
 16 contributions are being worked on.
 17 The first Workshop we focused on trying to
 18 identify the problems or in some cases perceive problems
 19 with the Delta system.
 20 A gimmick that we used in the Workshop was the
 21 phrase "the Delta is broken because".
 22 What we tried to do was get people to focus on
 23 that particular phase and bring their issues and concerns
 24 to us.
 25 Prior to the Workshop we held a relatively
 intensive Staff discussion for three full days where we
 tried to identify the problems that we understood to occur
 in the Delta.
 From that three-day session we broke the
 problems down into four general categories.
 They were those associated with water quality,
 ecosystem quality, water supplier reliability, and a
 category that we called vulnerability of Delta systems to
 natural disasters or upsets.
 When we got all of our concerns broken down
 into those four categories, we then held a Mock or Practice
 Workshop where we had about 30 representatives from
 Agencies and a number of consultants sit around a room for
 a full day and practice the Workshop that we were going to
 conduct.
 The very first thing we learned at that
 practice Workshop was that the individuals that we had
 participating wanted to contribute rather than to react to
 the product that we had put together.
 So we took all of the fancy charts that we had
 prepared and put them in a corner, regrouped and engaged in
 an active discussion at that Mock Workshop.
 So when August 3rd came around we had made some
 adjustments to our basic Workshop strategy.
 We had reduced the level of facilitation that

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1 we had planned, opened things up in general to the
2 interested people that were there at the meeting.

3 We had about 125 people participate in the
4 Workshop.

5 They represented virtually every interested
6 group that has a stake in resolving the problems associated
7 with the Delta.

8 We had representatives from agriculture, from
9 the urban water supply area, a number of representatives
10 from the environmental community, and about 60 percent of
11 our participants were Agency folks who have a large stake
12 in dealing with the problems of the Delta.

13 By the time the day was over we had a very
14 comprehensive list of problems.

15 We had acquired some information as to the
16 causes of the problems and several suggestions as to how we
17 might resolve the problems through our action sets.

18 You have all received in your mail out packet a
19 summary of the Workshop and I won't go into that in detail
20 right now but we'll discuss it a little bit later on.

21 From the handbooks that you've received today
22 in your blue packets, we took the information we gathered
23 from the Workshop, massaged it a little bit, reorganized it
24 into a couple of different fashions, and we believe,
25 although this is a document that is still work in progress,

1 to resolve the problem, an attempt to describe the cause of
2 the problems, and we understand in some cases we may not be
3 able to fully describe the cause of the problem, and the
4 final category is action which is one or more specific
5 activities that could be put into play to try and resolve
6 the problem.

7 These could be restoration, change in
8 Government or State policy, operational changes in terms of
9 the way water projects utilize water from and through the
10 Delta or a new facility of some type.

11 Now, I know that you've just received your
12 handout packet. You've only had your Workshop Summary for
13 about a week.

14 But at this point in our discussion,
15 Mr. Chairman, I'd like to open it up for any comments that
16 the BDAC members might have on the materials they received,
17 any reflections on the Workshop itself, any ways that we
18 might be able to improve it or any concerns that you have
19 about the process that were undertaken.

20 Are there any questions, concerns or problems?

21 CHAIRMAN MADIGAN: Bob, I'm going to do my
22 best and identify you because the court reporter has asked
23 for that assistance today so --

24 MR. RAAB: By a tentative Workshop --

25 CHAIRMAN MADIGAN: Can you hear?

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1 we captured most, if not all of the ideas that were
2 presented to us at the Workshop.

3 Now, we've organized this information in a
4 couple of different formats.

5 The first example you'll see looks something
6 like this overhead up here (indicating), where we created a
7 classic step down outline that is intended to display the
8 relationships between the problems in the four basic
9 categories; water quality, water supply, ecosystem and
10 system vulnerability.

11 In addition to that we have provided for you
12 and we will be providing for the participants in the
13 Workshop an English language plain full sentence narrative
14 description of the way the problems have been laid out.

15 There was no intent and is no intent at this
16 time on our part to present these in any kind of priority.

17 We are simply trying to organize the
18 information so that we can better understand it and go
19 further with it in the future.

20 A third version which we are going to work on,
21 which we intend to have in the not too distant future, will
22 be broken down into something like this, this four-square
23 description that we have.

24 You see up there our working definitions of
25 problems, an objective that would be associated with trying

1 Bob Raab, right here (indicating).

2 Try it again.

3 MR. RAAB: I attended the Workshop, and I
4 thought it was highly informative and well-organized and
5 well done.

6 I thought the most difficult segment was the
7 one that dealt with habitat because it had the most science
8 in it and so much of the information that was given out was
9 about things that were going on below the surface of the
10 water, and that's going to be one that you're going to have
11 to help me out a lot on before I can come to a better
12 understanding of what's going on.

13 But the thing I really wanted to bring out was
14 that in looking through the Summary, and I did not notice
15 this at the Workshop, but in going through the Summary,
16 every problem that was addressed was addressed to problems
17 in the Delta.

18 I couldn't find a single one that was addressed
19 to problems in the Bay, and yet there were a number of
20 issues that are problems both in the Delta and -- and by
21 "Bay" I mean San Francisco Bay.

22 I'm presuming that the Delta goes, say, as far
23 as the Cardenas Bridge, would include Suisun Bay, Suisun
24 Marsh, and I wonder if I'm missing something here when I
25 bring this matter up, that I do not see what -- where the

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1 San Francisco Bay problems are being addressed.

2 CHAIRMAN MADIGAN: Okay. Dick.

3 MR. DANIEL: Lester will be talking later
4 on this morning or perhaps this afternoon about our
5 geographic scope relative to problems, solutions and
6 actions.

7 The basic philosophy that we have adopted so
8 far is that we are looking to resolve problems that are
9 manifest in the Delta as it is legally described and the
10 Suisun Marsh.

11 And what that amounts to is if there are
12 problems that are caused in the Delta by upstream
13 activities or downstream activities, then they become a
14 focus of our program, and I emphasize "focus".

15 If the problem is manifest outside the Delta
16 and does not contribute to the identified problems inside
17 the Delta, we are much less likely to take it on.

18 But I'd be more happy to defer to Lester.

19 CHAIRMAN MADIGAN: Lester.

20 MR. SNOW: Yeah, we do intend to get into
21 a little more discussion later, but to clarify on the very
22 point that you raised, Bob, the way we would be dealing
23 with the San Francisco Bay, the way we've identified the
24 problem area, is Carcenas and the Delta, problems in the
25 San Francisco Bay that have linkage to outflow or

1 does say Bay-Delta Advisory Council and from what you're
2 telling me it's really mostly just Delta Advisory Council.

3 That's the way it bounces off me.

4 MR. SNOW: Well, I mean we could have that
5 argument about -- or discussion, rather, about the proper
6 name, but the things are so linked, and even in our
7 analysis they are still linked.

8 The issue we are trying to get at, though, is
9 the narrow identification of problems, but the linkage to
10 the Bay is still there.

11 You could not ignore the Bay, and the Bay's
12 health is dependent on fixing the Delta. I think the
13 linkage is still there.

14 Hopefully, you and the rest of the members of
15 BDAC will agree with that when we can settle on the
16 geographic scope issue.

17 And, again, we've tried to strike a balance
18 between a very large scope that could take considerable
19 effort and a long time and a narrow scope that doesn't
20 solve all of the problems.

21 MR. DANIEL: Perhaps I can help a little
22 bit with an example.

23 Many people at our Workshop talked about
24 problems associated with drinking water extracted from the
25 Delta and organic carbon was identified as a problem in

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1 in-migration, those all will be captured in our analysis.

2 But a problem in San Francisco Bay that is
3 totally isolated to the Bay, such as a waste water
4 treatment plant discharge in the South Bay would not come
5 under the purview of this program, and so we are trying to
6 thread that needle between identifying a small enough
7 problem area that we can get the problem done and having
8 one that's so large that all of the problems in the State
9 became so ponderous that we can't come up with an
10 implementable situation.

11 We do have a draft paper in your pickup packet
12 trying to put words to this geographic scope issue and how
13 we plan to proceed with it and we'll try to get into that a
14 little bit more today but there is a problem there on how
15 big or small we are going to be, how inclusive or exclusive
16 so we are trying to develop linkages.

17 And again if there is something going on in the
18 Bay, that fresh water outflow is needed for, then that's
19 something probably that gets captured in some fashion.

20 If it's a site specific problem, such as an
21 MPDS discharge by a waste water treatment plant we are
22 probably not going to capture that in this program.

23 CHAIRMAN MADIGAN: Bob, go ahead.

24 Do you have another question?

25 MR. RAAB: My brief response to that, it

1 drinking water for the Delta.

2 We can convert that easily into an objective
3 and, that is, obtain safe drinking water from the Delta.

4 We know that there are a number of sources of
5 organic material in the water in the Delta.

6 Some of them are derived considerably upstream
7 from the drainage that comes into the Delta.

8 Some of them are derived from the natural
9 organic soils, peat soils, that occur in the Delta, and we
10 know that there may well be a number of alternative actions
11 that could take place that would reduce the amount of
12 organic carbon and subsequent treatment by-products in
13 water supplies that are taken from the Delta for drinking
14 water purposes.

15 But we also know that those naturally occurring
16 sources of organic material are very important to the
17 ecological health of the Delta and to the Bay.

18 There is a suggestion that nutrient supplies
19 for basic primary production of the food chain in the Delta
20 and in San Francisco Bay has been depleted over time and
21 that that's a problem.

22 We have in this dilemma where we have as an
23 objective cleaning up drinking water, we will also have an
24 equal and opposite objective of maintaining a decent
25 nutrient balance in the Delta system and transferring that

1 into the Bay in terms of food supply to support the
2 organisms that constitute the ecosystem.

3 That's one example.

4 We have other examples where because of the
5 ecosystem linkage between the Delta and the Bay we will, in
6 fact, be dealing with problems that are manifest in the Bay
7 but also in the Delta as well.

8 But it's a tough dividing line, one that I'm
9 not absolutely clear on myself.

10 Are there other questions?

11 MS. MCPEAK: Mr. Daniel, I do have a
12 question following up on Bob Raab's line of questioning.

13 As you had the matrix up of a problem and an
14 objective and a cause and action, if the geographic area
15 for focus and discussion of water quality is primarily
16 related to the Delta geographically, recognizing that the
17 Bay-Delta Estuary is a dynamic system, there will be
18 manifestations of any action or objective that is set in
19 the Delta for the Delta geographically that will be
20 reflected, manifested in the Bay.

21 How would you, using your own approach
22 (indicating), express an example of a water quality
23 objective for the Bay portion of the Estuary?

24 MR. DANIEL: The first one that comes to
25 mind is an evaluation of the need for fresh water inflow to

1 pollutants in the Delta, Alex.

2 You are my constant reminder over the years of
3 the issue.

4 MR. HILDEBRAND: Based on a rather quick
5 perusal, I have the feeling that the handout you have on
6 geographics scope is very good and right on target.

7 Going back, however, to the -- as Lester says,
8 we are trying to seek a long-term solution, and I don't
9 think we've identified some of the problems that are
10 associated with maintaining a solution.

11 For example, the -- in the San Joaquin River
12 system it's been greatly over-committed, as some of you
13 know, and the degree of over-commitment is continuing to
14 rise so that the inflow of the San Joaquin River to the
15 Delta is declining and will continue to decline unless we
16 do something about it, which is not easy, and that poses a
17 problem, which has to be addressed relative to the duration
18 of a solution.

19 Furthermore, we, in line with this business
20 that Dan mentioned of -- or Dick mentioned of opposing
21 needs.

22 If we take this limited supply and we shift the
23 water to come down at a time that's good for fish, we then
24 deplete the flow in other zones, which makes the quality
25 worse in those zones and isn't always good for draught, and

1 maintain a healthy system in the San Francisco Bay complex
2 that couples with the need for adequate inflow and outflow
3 through the Delta.

4 I suspect that the two go hand-in-hand because
5 the ecosystem is really not acceptable between the Bay and
6 the Delta.

7 So from an environmental water quality
8 standpoint the problem of inadequate flushing flows in the
9 Delta and the problem of inadequate fresh water input and
10 flushing flows in the San Francisco Bay go hand-in-hand.

11 Another one would be something to the effect
12 where we describe the assimilative capacity of
13 San Francisco Bay and the Delta to deal with pollutants.

14 There is every reason to believe that we are at
15 or above the assimilated capacity of the Estuary to
16 naturally deal with the pollutants that come into the
17 system.

18 As we deal with the sources of those pollutants
19 upstream or in the Delta, we will, of course, reduce the
20 input to the Delta and hopefully get to a better balance in
21 terms of the Estuary's natural ability to deal with those
22 kinds of environmental insults.

23 Those are two examples that come to mind
24 immediately.

25 CHAIRMAN MADIGAN: Speaking of upstream

1 so there are some difficulties here.

2 So what I am saying is that problems I don't
3 think we've identified yet have to do with these trends in
4 the inflows in both quality and quantity, which jeopardize
5 our ability to achieve a long-term solution.

6 CHAIRMAN MADIGAN: Dick.

7 I'm sorry -- excuse me -- Steve.

8 MR. HALL: My questions are a little
9 easier.

10 The Workshop, did you keep an attendance list?

11 MR. DANIEL: Yes, we did.

12 MR. HALL: Could that be made available,
13 the Members of the Council?

14 CHAIRMAN MADIGAN: Okay.

15 MR. HALL: And, Dick, how much do you want
16 us -- I'm holding this document, dated August 8th, which is
17 the Summary of the August 3, Public Workshop.

18 How much detail do you all want to get into in
19 terms of reviewing this Summary?

20 Is that your intent here?

21 MR. DANIEL: I think this is a good
22 opportunity to discuss it in some degree of detail.

23 I may have as much as 52 more minutes on the
24 Agenda and I'm running out of things to say.

25 MR. HALL: Okay.

1 CHAIRMAN MADIGAN: Don't feel compelled, I
2 understand.
3 MR. HALL: But that's it, Michael, I do
4 feel compelled.
5 CHAIRMAN MADIGAN: This would be a good
6 time then.
7 MR. HALL: Okay.
8 On page three under "Water Quality Problems", I
9 am assuming that Trihalemethanes were somehow captured in
10 the list of constituents that are a concern that are listed
11 here on the bottom of the page, starting with salinity?
12 MR. DANIEL: Trihalemethane precursors are
13 the real problem in the Delta.
14 MR. HALL: Right.
15 MR. DANIEL: These are the organic
16 carbons.
17 MR. HALL: That go after this
18 Trihalemethane --
19 MR. DANIEL: As you pointed out, after the
20 water is treated from Municipal water supplies, these
21 concerns are generated.
22 So the issue that we are focusing on in the
23 Delta is reduction of total organic carbon in those water
24 supplies that are going to be used for drinking water
25 purposes.

1 MR. HALL: And it's addressed elsewhere in
2 the document but you're confident that somehow that's
3 captured in this list?
4 MR. DANIEL: Yes.
5 In fact, it was a very important part of the
6 problem discussion that we had at our Workshop.
7 MR. HALL: I would have been surprised if
8 it had not been --
9 MR. DANIEL: -- distinguishing between the
10 problem associated with organic carbon and the by-products
11 of treatment, and that discussion helps us understand ways
12 that we might implement actions to resolve the problem.
13 MR. HALL: Hydrocarbons were mentioned
14 elsewhere but were not included in this list, at least not
15 specifically.
16 Was there a reason for that, Dick?
17 MR. DANIEL: Hydrocarbons are listed in
18 several different categories.
19 In the Workshop Summary they are listed under
20 "Environmental Problems."
21 They are also listed under "Recreation
22 Problems."
23 MR. HALL: They are not included as a
24 drinking water problem, and I guess I would look to the
25 people who are more expert in drinking water quality, but

1 it is a potential problem there. It's not that it can't be
2 treated out but it is a problem.
3 MR. DANIEL: I'm sure it's captured in
4 there some place. I don't see it.
5 What you were mailed out was the Summary that
6 essentially was the items that we wrote on the butcherpaper
7 during the course of the day.
8 They weren't as well-organized as we would like
9 in terms of a presentation.
10 We put it together in your handout packet today
11 in a more organized fashion.
12 Our Workshops were, in fact, brain storming
13 sessions.
14 We let them go as freewheeling as we could, and
15 we encouraged discussion.
16 We had an occasional debate, and it was fun
17 (shrugs shoulders), and we gathered up a lot of
18 information. So what you have in your Summary is
19 essentially raw data.
20 MR. HALL: Yeah.
21 And I assume that, and I'm not being critical
22 when I find something missing.
23 I'm just asking whether it was addressed
24 somehow at the Workshop and not captured here or whether it
25 was addressed and decided it wasn't important?

1 I'm really trying to get more information
2 because I wasn't able to --
3 MR. DANIEL: It was addressed. It is
4 important.
5 If you look at your handout, the stuff that we
6 gave out today, you'll see that there's some matrices --
7 MR. HALL: Great.
8 MR. DANIEL: -- and Sharon takes better
9 care of you guys than she does me.
10 She gave you all some enlarged versions of
11 these sheets.
12 If I struggle, looking under "Water Quality"
13 under "Drinking Water Quality," which is category A.2.c.,
14 we have hydrocarbons.
15 MR. HALL: Got it. I see it.
16 It's a little hard to read in this light but I
17 see it.
18 On page five of the water quality causes, water
19 supply causes, at the bottom of the page, one, two,
20 three, four, five -- six bullets down it looks like, it
21 says "We are too dependent on water from area of origin to
22 meet water quality needs".
23 What does that mean?
24 MR. DANIEL: It means that water right
25 holders upstream of the Delta, the origin of the supply for

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1 the Delta expressed a concern that currently and quite
2 possibly in the future demands for water to maintain the
3 quality of the Delta for its numerous purposes may exceed
4 the surplus supply from areas of origin and result in
5 conflicts.

6 And that is one of the issues that Lester
7 pointed out that falls into the category of avoiding
8 transferring the problem.

9 MR. HALL: Let me see if I can summarize
10 to be sure I understand.

11 Their feeling is that you can't simultaneously
12 meet all of the needs upstream and meet both the
13 environmental and consumptive uses out of the Delta with
14 the current regime?

15 MR. DANIEL: That captures it but there is
16 also a future aspect of this in terms of future growth in
17 inner areas of origin.

18 MR. HALL: All right. I got it.

19 CHAIRMAN MADIGAN: Lester.

20 MR. SNOW: If I could add, Steve, I think
21 some of what has been expressed at the Workshop and in
22 other meetings from your area of origin people is that a
23 perspective, and I make no judgment on the perspective, is
24 that it's always been easiest to take water away from the
25 area of origins rather than deal with more difficult

1 connected?

2 MR. DANIEL: Not my problem.

3 MR. HALL: Page 12, third bullet under
4 "Causes of Predictability Problems, Premise that adequate
5 Delta outflow was in the range of 1200 to 1500 cubic feet
6 per second based CVP and SVP were developed has led to
7 unrealistic forecasts of water availability."

8 This, and I understand this is raw data. It
9 goes to drawing judgments about this problem that could be
10 applied to any of the problems, and it's as valid, but no
11 more so than the assumptions going into all of these
12 points.

13 How do we go from this statement of problem
14 definition to somehow capturing the judgment or the
15 assumptions that go into any of these problem definitions?

16 I picked this one out only because I think it's
17 a pretty good example.

18 MR. DANIEL: What I read into this one is
19 the idea that California's expectation for water supply
20 derived from the Delta still is colored by some of the
21 environmental standards and some of the project proposals
22 that were viable in the early 1960's.

23 There were expectations in terms of the amount
24 of water that could be supplied by the State Water Project
25 and to some extent the Federal Water Project that are not

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1 solutions and so they are saying out of the shoe "be
2 creative and don't just assume you will fix your problem
3 with area of origin water".

4 So that's been part of the message that's been
5 conveyed.

6 MR. HALL: Actually, it's been conveyed to
7 me as well.

8 The last bullet on that page, "Overdrafting
9 ground water increases salinity intrusion into ground water
10 basins," What relationship was drawn between overdrafting
11 basins and resulting salt water intrusion and the Delta
12 problem?

13 MR. DANIEL: The individual that brought
14 that up was talking about intrusions of the ground water at
15 the periphery of the Delta itself so it's a localized
16 concern.

17 Frankly, I don't know if it's a problem. I
18 don't have the technical expertise, but it was presented to
19 us and, therefore, it will become one of the things that
20 we'll look into.

21 MR. HALL: So it's a totally localized
22 situation into the Delta?

23 MR. DANIEL: Yes.

24 MR. HALL: But you're saying that the salt
25 water intrusion into the Salinas Valley is somehow

1 realistic today.

2 And the individual that brought that particular
3 concern up to us was simply pointing out that part of the
4 perceived problem with the Delta is related to expectations
5 that haven't been met, and, frankly, may not be met in
6 today's California.

7 CHAIRMAN MADIGAN: Roberta -- I'm sorry,
8 Steve.

9 MR. HALL: My question really goes, Dick,
10 the same could be said, I wouldn't say it myself, but some
11 would say it may not be unrealistic to expect that a lot of
12 the beneficial uses that rely on Delta water could be fully
13 supplied under existing conditions, and I'm wondering how
14 we get to a statement like that, from there to a problem
15 statement that recognizes that fact.

16 CHAIRMAN MADIGAN: Lester.

17 MR. SNOW: Steve, if I could take a shot
18 at answering your question and let me broaden it a little
19 bit.

20 Again, what went out in the packet was the raw
21 data from the Workshop and then what we're providing today
22 in the pickup packet is that, say, that raw data combined
23 with Staff work and problem definition, and it's important
24 to keep that in mind with all the upcoming Workshops.

25 We will send you the raw data so you are not

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1 getting a Staff bias or interpretation. You are getting
2 the raw data from the Workshop and then you'll get a
3 subsequent follow-up document that combines the technical
4 work of Staff and consultants and integrates it in with the
5 public input.

6 On your specific point, though, the way I would
7 deal with that cause statement, one of the other things
8 that kind of happened in the Workshop in different fashions
9 was people saying "We don't know enough. We need better
10 science. We need to understand the system better" and
11 that's how I read that.

12 And in my mind I kind of take this, even though
13 it's fairly specific in terms of CFS and things like that,
14 I thought it over in category in trying to identify that
15 part of the problem that we are having in the Delta is not
16 understanding how it work and we made bad assumptions in
17 the past and so I think that translates to me that part of
18 our solution -- I don't want to jump too far ahead -- but
19 it's going to be something called adaptive management.

20 We are never going to know enough at any point
21 in time to fix it forever and so you start on a course of
22 action that implements changes now, gets monitored, have
23 better science and then implement more changes down the
24 line.

25 And that's how I take this one and combine it

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1 with the other ones and say, okay, I agree that we don't
2 know enough. We'll never know enough. Let's take our best
3 shot and then have an adapter program to modify as we go.

4 Does that help at all?

5 MR. HALL: Yeah.

6 What helps even more is your responses just
7 reminded me that my entire career I've served Boards and
8 Directorates and the constant criticism I get is you don't
9 give us stuff early enough. Now I get to be on the other
10 side.

11 It would have been helpful if we had the Staff
12 stuff earlier because I made it through the stuff I got
13 mailed and obviously haven't been able to get through the
14 stuff that we got today.

15 CHAIRMAN MADIGAN: Revenge is sweet,
16 isn't it?

17 MR. HALL: Yeah, it is. It's a lot more
18 fun than being on the other side.

19 So I'm going to suspend my other questions
20 until I read the Staff Report and simply ask where it's
21 possible, and I know there are restraints, could we get
22 both before the meeting so that we can through it and I
23 don't ask dumb questions or fewer dumb questions.

24 MR. SNOW: Will you promise?

25 MR. HALL: No.

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1 MR. SNOW: Actually, Steve makes a good
2 comment that we should have clarified at the beginning.

3 This was kind of an unusual timing in terms of
4 when we had the Workshop and when BDAC was scheduled.

5 So we had 13 days from the Workshop to this
6 meeting and we had turnaround difficulties and we wanted to
7 get the Workshop results out and keep working on the Staff
8 product.

9 I believe for your next Bay-Delta Advisory
10 Council meeting we'll be able to have not only the results
11 of the second Workshop but also the Staff product in the
12 packet that goes out and we'll have a little more time on
13 that one.

14 CHAIRMAN MADIGAN: Roberta.

15 MS. BORGONOVO: I was following somewhat
16 on Steve's comment.

17 We are actually following two documents and so
18 what you mailed us was the raw data and then this is the
19 refinement of it. So we don't need to spend time if we had
20 problems with the raw data. We need to concentrate on the
21 refinement?

22 I do have a comment about the refinement.

23 When you look at the Delta ecosystem quality
24 there is an emphasis on aquatic habitats and wildlife
25 habitats and I agree that that certainly is part of the

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1 definition of the problem, but one of the things that gets
2 dropped out between the raw data and the refinement is an
3 emphasis on recovery of species and so I wondered how you
4 would address that.

5 MR. DANIEL: And I'm guilty of that.

6 We're trying to focus on habitat and habitat is
7 a component of the overall ecosystem.

8 By doing so we think we can get away from the
9 focus on single species management, or even groups of
10 species management.

11 In your handout packet where we have the
12 narrative description of these problems, we made an attempt
13 to address exactly that concern and this was one that was
14 brought up at the Workshop.

15 We know that when we get into performance
16 measures, when we get into measures of success of the final
17 program, we will, in fact, be counting species.

18 We'll be counting salmon. We'll be counting
19 Delta smelt, amongst many other things, but for now what we
20 are trying to focus on are those components of the Delta
21 ecosystem which appear to be or which are inadequate to
22 support the individual species or groups of species as
23 indicators of the overall health of the Delta.

24 So we are gently trying to put species into the
25 program but we're very cognizant of the fact that we are

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1 trying to take an ecosystem approach as opposed to
2 individual species management.

3 MS. BORGONOVO: So they are not going to
4 get lost in that, however?

5 MR. DANIEL: No, they will not be lost.

6 MS. BORGONOVO: I have another comment.

7 Again, looking at the raw data and what is
8 here, I kind of liked the way you laid it out even though
9 that was the raw data, and I understand that input, but I
10 just wanted to again make a plea for the whole way in which
11 we've looked at supply problems and to make sure that
12 demand side management is seen as an integral component of
13 that so that conservation, reclamation and all of those
14 demand side management options come into that.

15 And, again, I saw them in the Workshop and I
16 don't see them over here.

17 MR. DANIEL: Where you will see demand
18 management or water conservation will be in the display of
19 actions that might be undertaken to solve the problem.

20 The Delta is broken because it is not capable
21 of meeting the demand for water south of the Delta.

22 Actions to solve that problem quite probably
23 will include taking a serious look demand management both
24 in the urban and agricultural sector and perhaps in the
25 environmental sector as well.

1 We have every reason to seriously consider
2 adaptive management as part of the overall long-term
3 solution to the problems in the Delta, and I suspect that
4 that will be a very important component of the ecosystem
5 quality suite of actions they get proposed and we are
6 working on the basic premise that if you remove the
7 limitations on productivity associated with the various
8 species that are found in the habitat, that the species
9 will respond, but we are not so naive as to totally
10 overlook factors such as harvest, illegal and legal
11 harvest.

12 It could be that we could do all of the habitat
13 work in the world and still find that species of concern
14 are declining. That could be associated with habitat.

15 It could be associated with something that we
16 haven't discovered as of yet.

17 There's a very mysterious world out there and
18 we, frankly, don't have all of the answers. All we can do
19 is put together the best program we can and put into play
20 the ability to make mid-course corrections in an effective
21 way through adaptive management, and I think that's the way
22 we'll end up dealing with those kinds of uncertainties.

23 CHAIRMAN MADIGAN: Steve.

24 MR. HALL: A process question for Lester.

25 Now that we've got the raw and refined output

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1 So a lot -- what you see here are problems that
2 we believe are manifest in the Delta and problems that were
3 brought to us at the Workshop and as a result of our Staff
4 research.

5 The actions will be later on in our 6 Step
6 process. You'll start seeing actions, I believe, in
7 November and December.

8 CHAIRMAN MADIGAN: Anybody else?
9 Bob.

10 MR. RAAB: I'd just like to follow up on
11 something you said. Let me see if I'm quoting correctly.

12 And, that is, that you're going to concentrate
13 on habitat and presume that -- the premise is that if you
14 do that, then species, fishery, salmon, and dare I say it,
15 the striped bass, will be covered.

16 But supposing -- and you mentioned that there
17 will be a time to look at this and see -- and maybe this is
18 implicit in your statement, maybe you didn't say this --
19 but the way I perceived it was and there will be time if
20 this approach of improving habitat does not significantly
21 help in the recovery of one or more of the fish, then there
22 will be time to take another alternative to increase the
23 fishery.

24 Is that a fair statement?

25 MR. DANIEL: Absolutely.

1 from the Workshop, do you want to give us a deadline,
2 Lester, on how soon you'd like to get any feedback from
3 Council, either written or oral feedback, other than what
4 you get today?

5 MR. SNOW: That's a good question. I'm
6 not sure we established a specific deadline. I'd look to
7 see if he had one in mind.

8 But let me talk a broader process.

9 I think one of the things that we would want to
10 bring to the October meeting is a refined document. It
11 would almost be like a Final Draft of problem definitions
12 by October.

13 And so in the interim two months, you know, we
14 would want comment from BDAC as well as there'll be a very
15 widespread distribution of the Staff Draft to get broader
16 public response to it and then issue, you know, the Draft.

17 It would be the Final Draft, we would hope, at
18 that point.

19 Steve, did you --

20 MR. DANIEL: I can respond to that a
21 little bit.

22 Each of our Workshops as we progress through
23 the program is intended to build one upon another.

24 Obviously, this first Workshop we started from
25 scratch and accumulated a lot of information.

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1 We will be mailing out about September 1st the
2 most refined product that we can relative to the problem
3 statement.

4 The intent of mailing go it out September 1st
5 is so that people will have a couple of weeks to look at it
6 prior to our September 14th Workshop.

7 At the September 14th Workshop we are going to
8 elicit feedback on the product that we mail out on
9 September 1st.

10 After we've gotten as much feedback at that
11 Workshop as we can, then we will move on into a discussion
12 of objectives.

13 And, finally, at that September 14th Workshop
14 we will start to discuss performance measures and actions
15 that might be taken to resolve the problems.

16 In addition to that, some time shortly after
17 the September 14th Workshop we are going to be producing a
18 more formal document which we are calling the Problem
19 Statement, and this is outlined in our plan of action that
20 the we passed out to you before.

21 The intent of that document is to provide
22 discussion and disclosure of the problems that have been
23 exposed to us.

24 That document will be a more formalized bound
25 document per se, and that will serve us in our NEPA and

1 good, and I assumed that this had superseded this language.

2 MR. DANIEL: Yes.

3 MR. HASSELTINE: Okay.

4 MR. DANIEL: But we are continuing --

5 MR. HASSELTINE: You don't need comments
6 on the raw if the refined already has addressed it.

7 MR. DANIEL: Yeah, I would agree with you.

8 Obviously, we've done quite a bit of Staff work
9 on this trying to refine it.

10 We are going to continue to refine it.

11 If you have concerns that something in the raw
12 data wasn't translated into the more refined version,
13 please let us know.

14 If you think perhaps we didn't translate it
15 appropriately, please let us know.

16 And, most importantly, if there are any
17 omissions, problems that you're aware of that you'd like to
18 bring to our attention, please do so.

19 CHAIRMAN MADIGAN: Steve, did you have
20 anything you wanted to add to that?

21 Mr. Yaeger.

22 MR. YAEGER: Only to reinforce what Dick
23 said, that I think the September 1st date, the thing that
24 you should focus on is look at the raw data.

25 If some of the material there that you feel is

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1 CEQA process as a vehicular document, what kind of
2 information we received, what we did with it, whether we
3 went forward with it or rejected it, whether we modified it
4 to fit specific definitions that we had.

5 So this is all work in progress. It's all
6 progressive in terms of going from one step to another.

7 Your information or your comments are important
8 to us at any time.

9 As far as this raw information that you
10 received in the mail, if you could give comments back to
11 either Lester or Judy or Sharon prior to September 1st,
12 then we could deal with that sort of deadline.

13 Or you can come to the -- you can send
14 information to us any time you want but that September 1
15 deadline is important and the September 14th Workshop is
16 important.

17 MR. HALL: Okay.

18 CHAIRMAN MADIGAN: Eric.

19 MR. HASSELTINE: I'm just a little
20 confused about the last statement, about the raw data and
21 the refined.

22 I saw some fairly subjective and vague language
23 in the raw report, in the Summary of the Workshop that was
24 sent to us, that is not in here.

25 This is much more specific, which I think is

1 very important was not translated correctly or adequately
2 into the refined work product then we really need to hear
3 about that within the September 1st time frame so we can
4 get to work on that.

5 MR. DANIEL: I'm sorry to confuse you.

6 The refined work product that you received
7 today has not been given to anybody else. That is still
8 very much a Draft, still very much a work in progress and
9 it is a refined version that we are going to try and mail
10 out to all of the Workshop participants and interested
11 parties on September 1st.

12 MR. HASSELTINE: (Affirmative nod)

13 CHAIRMAN MADIGAN: Are there any other
14 questions by members of the -- Roberta.

15 MS. BORGONOVO: I wanted to go back to
16 Bob Raab's first comment.

17 I wanted to ask Bob how he might change that to
18 see that the problems of the Bay, if they are directly
19 related to problems in the Delta, are reflected.

20 Does that answer it for you?

21 MR. RAAB: I didn't understand your last
22 sentence.

23 MS. BORGONOVO: I wondered if your
24 question were answered about whether problems in the Bay
25 that are directly related to the Delta do come -- will come

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1 into this whole process?

2 I understand not focusing on, say, discharge,
3 an industrial discharge problem in the Bay, but when you
4 are talking about flushing flows, if they are related to
5 Delta inflow, that would be reflected?

6 MR. DANIEL: That particular issue is
7 among our suite of problems. Those are issues that we will
8 try to address, and I think your example is exactly on
9 target.

10 If there is an industrial discharge in South
11 San Francisco Bay that does not affect the Delta, then it
12 is probably not within our suite of problems, but if it
13 there a problem associated with diminished inflow to the
14 Bay through the Delta, then it may well be one of the
15 problems that we'll try to deal with.

16 CHAIRMAN MADIGAN: And I guess, Bob, the
17 question is to you as well, is does that seem to you to be
18 a satisfactory response?

19 I think that's a question Roberta was asking
20 earlier.

21 MS. BORGONOVO: I'm not sure I quite got
22 the question.

23 If I -- I think you were saying would I be
24 satisfied with what I've heard about an making a linkage?

25 No.

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1 I think it's implicit it and I'd like to
2 see -- the Staff can't do any more than what they did in
3 supplying the raw data from the Workshop because they just
4 reiterated what was said in the Workshop, but what was said
5 in the Workshop, apparently, directed itself solely to
6 problems in the Delta.

7 I'll mention it again.

8 When I went through the raw Summary, I didn't
9 find the word San Francisco Bay or even Bay with a capital
10 letter in the whole Summary, and I heard Lester's response,
11 and I've been listening to Dick, but to answer your
12 question honestly, I think that it behooves BDAC and
13 consultants to make an explicit linkage where there are
14 explicit linkages of problems that have been mentioned in
15 the Delta that also apply to the Bay.

16 And I don't know if I'm making my point here at
17 all, but I'm trying to say that I saw many linkages in the
18 data that came out at the Workshop, but it didn't say
19 "Bay."

20 It just said "Delta," when, in fact, many of
21 the things overlap, as you mentioned, Lester.

22 CHAIRMAN MADIGAN: The timing of your
23 question, Roberta and your response, Rob, is probably
24 pretty good because the next Item we are going to roll into
25 is a geographic one, anyway.

1 So maybe what you want to do is listen to
2 Lester's explanation of the next Item and then we'll see if
3 the linkages are as clear as they need or ought to be
4 happening.

5 Hap, did you have something?

6 MR. DUNNING: Well, it's along the same
7 line, Mike.

8 I wondered, for example, where Delta ecosystem
9 quality is displayed and it's divided into two parts, one
10 part, part B, is wetland habitat, and various sorts of
11 wetland habitats are mentioned, are you conceiving that the
12 concern there is just wetland habitats within the Delta as
13 legally defined or would you include wetland habitats in
14 the Bay?

15 MR. SNOW: In terms of solution sets what
16 we'd be saying is that wherever you can deal with wetlands
17 that address the problem, that's fine. I mean, that's the
18 way to do it.

19 MR. DUNNING: I asked about the problem,
20 not the solution.

21 MR. SNOW: The way we have approached it
22 at this point is wetlands problems in the Bay-Delta system
23 as we have defined it, which does not include San Francisco
24 Bay.

25 MR. DUNNING: That seems unduly narrow

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1 since the overall charge was to look at the Bay-Delta
2 Estuary.

3 MR. SNOW: well, that's the issue on the
4 table.

5 MR. DUNNING: I take it Estuary
6 encompasses a lot more than the legally defined Delta.

7 MR. SNOW: Yeah.

8 And even our problem geographic area at this
9 point is not confined to simply the legal definition of the
10 Delta.

11 But this is an important issue, and it has a
12 lot of implications on what we pick as the geographic
13 problem area.

14 And I don't know if this is the time -- we
15 might as well get into that issue.

16 CHAIRMAN MADIGAN: Let me do two things
17 before we do; number one, let me ask Roger or Michael if
18 you guys have any comments on this issue and then I'm going
19 to ask, though I have not received any indication that
20 there are members of the audience that want to speak to
21 this specific issue, the Workshops, that this would still
22 be a good time to do that.

23 Roger or Michael, on the issue of -- either the
24 Workshops in general or the specific question of the extent
25 of the charge of this group as it relates to Bay and/or

1 Bay-Delta kind of issues?

2 MR. MANTELL: I agree with Lester that
3 this is really an important issue and I think the
4 discussion on the Agenda will illuminate it.

5 The original charge is the Bay-Delta but it's
6 the Bay as it's affected by the Delta, by activities of the
7 Delta, but I think that the group will have a lot to add as
8 we look at the geographic scope of the problems.

9 CHAIRMAN MADIGAN: Again, are there any
10 members of the audience who would like to be heard on this
11 issue specifically?

12 Again, if you do, there is a sign-up
13 opportunity, and we'd appreciate it if you'd take advantage
14 of that.

15 All right?

16 Yes, sir?

17 Mr. Zuckerman.

18 MR. ZUCKERMAN: I did not sign-up,
19 Mr. Chairman, but I'll just be very brief.

20 Without the opportunity to see the raw data, as
21 you're referring to it --

22 CHAIRMAN MADIGAN: Hang on just a second.
23 He isn't intending here to hum a few bars, is
24 he?

25 Go ahead.

1 MR. ZUCKERMAN: Maybe I need to stand on
2 my tip toes or something.

3 Without the opportunity to review the raw data
4 that you're referring to it's difficult to know, you know,
5 how the synthesis took place into this report that we have,
6 but I would say just very briefly, that the Draft of
7 problem summaries doesn't really in my view capture the
8 flavor of the Workshop session.

9 I think if you're going to keep the faith with
10 the Workshop participants somehow or another they need the
11 opportunity to review what Staff is giving to these people.

12 I mean, it may very well be possible for me to
13 bootleg a copy of your comments from, you know, the
14 friendly Commissioner, but I'd rather not rely upon
15 personal relationships.

16 I think you need to think about how you're
17 going to do that.

18 Many of the things that Dick said accurately
19 reflect comments that took place at the Workshops, which I
20 can't find reflected at all in this problem Summary that,
21 at least the substance of them and I think you need to work
22 on that a little bit.

23 CHAIRMAN MADIGAN: Mr. Zuckerman, you were
24 at the Workshop?

25 MR. ZUCKERMAN: Yes, I was.

1 CHAIRMAN MADIGAN: And you found that
2 there were a number of things that were said there that you
3 believe should be in the raw data and that that ought to
4 be --

5 MR. ZUCKERMAN: I assume it is in the raw
6 data because Dick has referred to them in the comments to
7 you today.

8 The difficulty is that without having an
9 opportunity to see what you've been presented with, I can't
10 really judge whether it's in there or not.

11 CHAIRMAN MADIGAN: Go ahead, Sunne.

12 MS. MCPEAK: May I ask a question about
13 the process of -- in following up, I was understanding that
14 the Workshop participants -- from the first Workshop on the
15 3rd -- would be getting the -- at least the Staff Report,
16 if not the raw data, but also your refined version of your
17 Staff layout or presentation of that information so that
18 they could review that and have it before you meet on the
19 14th of September again.

20 If that's the case, since you are
21 nodding -- and I can see that you are smiling. I hope it's
22 because I was right -- what's your timetable for mailing
23 that out to the Workshop participants?

24 MR. DANIEL: September 1.

25 MS. MCPEAK: You wanted our comments back

1 by September 1 so the first week in September Tom Zuckerman
2 should be getting his packet so he can wander into the
3 second Workshop since that's what he said --

4 MR. DANIEL: It's sort of a belabored
5 process, but timing is everything.

6 We wanted to bring you up to speed as to what
7 we were doing in terms of the Workshops, facilitate that.

8 We sent you the raw data and we sent you our
9 first version of the refined information for today's
10 discussion.

11 We're continuing to work on it and it will be
12 put in the mail to all of the Workshop participants and
13 anybody else that has requested it on September 1 so that
14 they will have it in two weeks before our September 14th
15 Workshop at which time we'll discuss it publicly with
16 everybody that comes to that Workshop.

17 MS. MCPEAK: How about the people who are
18 here today who may not have been at the first Workshop but
19 who want to get this information to participate at the
20 September 14th?

21 How are they to get that information if they
22 want it?

23 MR. DANIEL: All they have to do is inform
24 us that they want it and give us an address.

25 MS. MCPEAK: Name and address, to whom,

1 where?

2 MR. DANIEL: To Pauline at the table
3 outside (indicating).

4 MS. McPEAK: Okay. Thank you.

5 CHAIRMAN MADIGAN: So the answer,
6 Mr. Zuckerman, is that you are both entitled to the
7 information and presumably a recipient of it in the near
8 future.

9 However, it never hurts to have relationships.

10 MR. ZUCKERMAN: Thank you very much.

11 CHAIRMAN MADIGAN: Yes, sir?

12 MR. BOBCAR: Gary Bobcar, Bay Institute,
13 San Francisco.

14 A brief comment on the geographic scope issues,
15 I know you're getting into it but since it's been brought
16 up I'll raise it now.

17 I'm very sympathetic I think to the issue that
18 Lester and Dick that if you define the entire area as the
19 watershed that it's somewhat difficult to exclude anything,
20 that you have to know every issue and that's a real problem
21 for them, and I'm sympathetic to the idea of a tiered
22 approach where you would identify a core area and then in
23 the outside of that core area have identified the nexus
24 problems that are related to the Delta.

25 However, though, the comments that are raised

1 comments.

2 One is that as somebody who is sort of biased
3 toward identifying habitat as a primary problem and
4 solution for environmental problems I think that
5 this -- the document seems to be a very global view of
6 habitat. There is a lot of good stuff in there and I'm
7 glad to see that they've looked at habitat as more than
8 physical habitat, that water quality by interactions are
9 included.

10 So I think a lot of concerns that people have
11 about what habitat is can be captured in the way that
12 they've approached habitat and so I think that they are on
13 to a good direction.

14 One thing, though, is that some comments were
15 made, well, what about habitat is maybe not the problem.
16 The problem is the species, and while I'm agreeing with
17 Dick that we don't want to focus on the recovery of one
18 species as the problem or the lack -- or the problems that
19 are experienced by one species as the problem, I think at
20 the same time that we want to identify kind of the symptoms
21 along with the problems.

22 And what you've done in the Problem Summary
23 here in discussing all of the habitat problems is really
24 identified many of the causes but maybe not expressed the
25 symptoms.

1 about the connectedness of the Estuary, the fact that it
2 goes beyond the Delta, I'm glad to see that you've gone
3 beyond the legal scope of the Delta when you look at
4 problems outside.

5 It may be that you're able to identify that,
6 say, South Bay area would be outside the core area but
7 there are areas outside of what you've identified that
8 where the nexus is going to be so common that you may just
9 want to include it, areas such as San Pablo Bay, which is
10 identified in the Problem Summary as one of the areas where
11 problems exist, the main stem of the Sacramento and
12 San Joaquin, et cetera.

13 You may also want to -- you may want to expand
14 slightly that area to adequately address the problems or
15 you may want to consider looking at more than one core and
16 one outside tier.

17 Is this the proper time to also make a comment
18 on the Problem Summary or would you rather I wait until
19 after Dick is through?

20 CHAIRMAN MADIGAN: This is fine.

21 MR. BOBCAR: Okay. Great.

22 This is the first time I've had a chance to
23 look at that and I will be submitting written comments, but
24 one thing I'd like to comment on, in looking at the
25 ecosystem quality problem nexus or matrix rather, two brief

1 The problem statement does say that species
2 have experienced severe to moderate declines, and I think
3 that that needs to be expanded in the problem
4 identification.

5 In fact, the problem is that the Estuary has
6 undergone such degradation of its ecological services, it's
7 ecological integrity, that there are real problems with the
8 risk of species extinction. There are real problems with
9 the decline of natural communities, and these are directly
10 related to all of the factors which the Staff have
11 identified in the ecosystem quality.

12 But I think that the top half, the first border
13 problem is the decline of species in communities needs to
14 be flushed out a bit more.

15 Thank you.

16 Any comments from the public?

17 Questions from the BDAC?

18 Lester, you had a couple of things you wanted
19 to say and then we can decide whether to move forward at
20 this point.

21 MR. SNOW: Just one comment I wanted to
22 make about -- this has been a good discussion. I mean, the
23 whole issue is a progression.

24 We developed Workshop information. We, you
25 know, add to that any technical analysis or work that we

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1 can -- material we can glean from other efforts that have
2 gone on, such as the San Francisco Estuary Project and BDOC
3 and all those efforts went through problem identification.

4 So we tried to fold that stuff in and that's
5 what will eventually become a Staff document that
6 identifies all of the problems that are out there, and we
7 need this kind of discussion.

8 The other comment I wanted to make in terms of
9 what's on the horizon, if you take the Staff document that
10 was in your pickup packet today in terms of problem
11 identification, it doesn't take much work to take a
12 problem, particularly if you agree with it, and turn it
13 into an objective.

14 And so that's an exercise that we will be going
15 through even at the Workshop, and so I wanted to make that
16 point, that program objectives are on the horizon but you
17 almost have a first cut at objectives when you look at the
18 definition of problems, and it's important to understand
19 that.

20 A couple comments on geographic scope and then
21 I guess we need to decide strategically if we have enough
22 time to discuss it before lunch.

23 CHAIRMAN MADIGAN: I can almost assuredly
24 not at this point.

25 MR. SNOW: So maybe just a couple of

1 CHAIRMAN MADIGAN: No.
2 I think that we'll go ahead and take a break
3 now.

4 Lunch was scheduled for twelve o'clock for the
5 BDAC members through the door back there marked "Exit."

6 Because we are being able to break a few
7 minutes early here we'll get started again right at
8 one o'clock.

9 Roberta?

10 MS. BORGONOVO: Actually, Tom has
11 something to say.

12 CHAIRMAN MADIGAN: Tom.

13 Thank you for that.

14 MR. GRAFF: This is back to the question
15 of availability of information.

16 I'm not sure this is intentional, but it seems
17 to me anything that we got today or that we got in the mail
18 ought to be available to members of the public that request
19 it rather than having to wait for September 1.

20 Is that unreasonable?

21 MR. SNOW: Let me, if I could respond.

22 No, that's not unreasonable, and, in fact, we
23 are trying to do that.

24 We've done several mailings to a master mailing
25 list that's about 3,000 people, and we've asked which list

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1 background comments on the whole issue of problem scope,
2 and the first is to declare we don't have this figured out.

3 There is not a perfect solution to identifying
4 the problem area.

5 There are different opinions on how to do it
6 and they represent a spectrum of defining it narrowly, both
7 geographically and also in terms of the substance of the
8 problems you deal with and defining it very broadly.

9 Both carry with them certain attributes,
10 positive and negative, and essentially what you have in
11 your pickup packet today is an approach, and that's just
12 what it is. It's an approach to get us started down that
13 path and actually Gary Bobcar summarized it very well, in
14 where our approach is at this point and it's to have a
15 tiered approach in defining the problem.

16 It's to have a core area that you look at to
17 look for your primary problems and then when you find one,
18 then that triggers kind of a broader area for purposes of
19 analyzing the problem and also for analyzing the solutions
20 to that problem.

21 We can have a lot of debate on this Item and we
22 probably need to have a lot of debate because this is
23 really important to the long-term success of our efforts,
24 and I guess I'd look to the Chair to see whether you want
25 me to go ahead with the presentation now or --

1 they want to be on, and if they have indicated they want to
2 be on the BDAC list, then they get everything that BDAC
3 gets.

4 And so we are still in those initial stages and
5 also we brought the same material to this public meeting so
6 that members of the audience could pick up that material.

7 I would think as we move along we'll end up
8 with a very large mailing list and they will get the
9 information at the same time that BDAC does and so we are
10 still kind of in that process of generating from the larger
11 interest group out there who was on what type of
12 information mailing list.

13 MR. DANIEL: And, in fact, the -- what
14 I've been calling the refined problem Workshop Summary,
15 it's on the table out there, and it turns out we do not
16 have copies of the raw data report available today but
17 we'll make them available to anybody that has an interest.

18 CHAIRMAN MADIGAN: Thank you.

19 Yes, ma'am?

20 MS. MAHACEK: Virginia Mahacek.

21 It's just a comment about information tracking
22 for the benefit of us who are, you know, periodically
23 joining the group or watching the process, and that's
24 because you have a couple of different organizations and
25 you have a combination of Staff products and consultant

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1 reproductions and stuff, could you develop a system of
2 labeling the Agenda items more consistently, like who is
3 the author of the Item, what is the source of the material,
4 is it a Staff product, a Draft or interim, and that will
5 really help us keep track of things.

6 CHAIRMAN MADIGAN: Ma'am, thank you for
7 that.

8 Anything else for the good of the order?
9 If not, thank you very much for your patience.
10 We will adjourn and reassemble at one o'clock.

11
12 (Whereupon the noon recess was taken at
13 11:48 a.m., after which the following
14 proceedings were had at 1:04 p.m.):

15
16 CHAIRMAN MADIGAN: All right. The hour of
17 one o'clock having arrived, we are going to go back into
18 session in here, and while not all of us have returned or
19 found our seats yet, presumably, everybody will fairly
20 shortly.
21 Lester is going to pick up with discussion on
22 the geographic scope, but before he does, Tom Maddock asked
23 me if he could have a minute to make a comment on this
24 morning's proceedings.
25 Tom.

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1 MR. MADDOCK: Yeah. Thank you,
2 Mr. Chairman.

3 The two items that were referred to in the
4 package here, the water transfers, and the infrastructure
5 financing options, I wanted to be sure that everybody
6 understands that those are strictly what they say on there,
7 that they are Discussion Briefs and certainly the sponsors
8 of these papers have not endorsed or approved or anything
9 else these papers, and they remain to be done.

10 And I'm speaking on behalf of the California
11 Chamber of Commerce, but I know the business round-table
12 and the Farm Bureau, nobody has endorsed that.

13 So when you read it, read it in the context
14 that they were to be used to go to focus groups and then
15 they would be developed from there.

16 Thank you, Mr. Chairman.

17 CHAIRMAN MADIGAN: Thank you, Tom.

18 Lester, you are on.

19 MR. SNOW: Okay.

20 A minor item of geographic scope, this
21 shouldn't take more than three or four minutes, this is an
22 issue that is very important.

23 It is also an issue where there is not an
24 analytically perfect definition for geographic scope.

25 I doubt there is a definition or an approach

1 that makes everybody 100 percent happy.

2 However, I think there is a way to have a
3 reasonable definition for a geographic scope that can allow
4 us to move forward in a meaningful way and identify
5 problems and develop solution sets.

6 So what I'd like to do is take just a few
7 minutes and talk about how we have gotten where we are.

8 Again, we have in your packet just a discussion
9 paper to elicit some discussion and feedback, and this is
10 an issue we will deal with over the ensuing two months and
11 bring back for additional discussion at the October
12 meeting.

13 But if I could start with a little bit of
14 background and then get into some discussion -- or not.

15 The mike's working so --

16 MS. MCPHEAK: He just stepped on the cord
17 and it worked.

18 MR. SNOW: I'll step on this with my good
19 luck foot there.

20 We had some of this discussion at our last
21 meeting about the different approaches and the extremes
22 that could be taken as we try to deal with the Bay-Delta
23 system.

24 And one view could be to essentially deal with
25 the entire watershed that contributes water to the

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1 Bay-Delta system and then also deal with the entire service
2 area for anybody who takes water from the Bay-Delta system
3 and utilizes it.

4 And it was also pointed out, I think at our
5 last meeting, that the ocean plays a significant role in
6 terms of fish that migrate in and out of the system.

7 So on the one hand you could, even though this
8 is entitled "Geographic Scope Of The Solutions," someone
9 could stand up and legitimately say you need to study every
10 single problem related to water resources in this entire
11 area, and that would be an interesting intellectual
12 exercise to go through.

13 The difficulty would be would you ever be able
14 to run to ground a recommendation on how to fix this and
15 how would you go about doing that?

16 And the other issue would be to define the
17 problem area as narrowly as possible and then even limit
18 your analysis of the problem and limit your consideration
19 of solutions to that area.

20 It would be much easier to do the analysis,
21 much easier to come up with solution sets, but then the
22 argument is you've defined it so narrowly it's probably not
23 going to be a lasting solution because you're not dealing
24 with the things outside that impact the Delta area.

25 And that's what's resulted in this tiered type

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1 of approach that we've talked about this morning.
 2 And in this tiered approach you would have a
 3 problem identification area, which would be
 4 Carcenas -- from Carcenas into the legal definition of the
 5 Delta (indicating), and once you identified a problem in
 6 that area, then you would look to the larger area to fully
 7 evaluate the magnitude of the problem and also to evaluate
 8 potential solutions to that problem.

9 At a larger scale, the green area would be the
 10 problem identification area (indicating), and the first
 11 test would be to look to see if you have a problem in that
 12 area.

13 If you do, then that would trigger analysis of
 14 the problem in a broader context and also a consideration
 15 of solutions in a broader context.

16 One of the best examples of how that would work
 17 would be the fact that you have a salmon smelt survival
 18 problem in the Delta.

19 Once you've identified that, then you take a
 20 look at the salmon in its total extent, from ocean harvest
 21 to spawning gravels upstream and try to identify the
 22 magnitude of the problem and also try to look at those more
 23 far aligning areas in terms of trying to identify potential
 24 solutions to the problem

25 Another example raised this morning, if,

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1 however, you have a water quality problem in South Bay
 2 related to an NPDS point discharge, an industrial discharge
 3 or a waste water treatment plant discharge, that's causing
 4 problems in this area, that would not trigger it, that
 5 would not be considered a problem in this program.

6 This is a type of an approach -- I think the
 7 best way to characterize this is to call it an approach to
 8 identifying the problems.

9 I don't think you can come up with a definitive
 10 line that everything falls either in or out.

11 I think you have to make judgments as we go
 12 through problem definition to see how they fit into this
 13 approach that we've identified.

14 The other way that we've kind of characterized
 15 this, in order to make sure we're capturing the bigger
 16 picture is what we've called inputs and outputs.

17 And an example of an input into this system
 18 would be the salinity, the ag drainage that's a problem, in
 19 particularly this part of the Delta, and we would be able
 20 to look at those inputs, give different assumptions as to
 21 what happens to the ag drainage problems.

22 We would also look at the different levels of
 23 potential demand for water out of the Delta as an output so
 24 we are able to evaluate things in a bigger picture but we
 25 are trying to isolate problem definition to a more narrow

1 geographic area, be able to deal with the problem analysis
 2 and solution sets in a larger area, and we're able to make
 3 assumptions about other things that could impact the Delta
 4 and potential solutions to the Delta.

5 So, again, just to summarize what we're
 6 proposing as a model for problem identification is the
 7 smaller (indicating), from Carcenas Strait into the kind of
 8 the legal definition of the Delta.

9 That would be utilized to identify problems.
 10 The problems identified then would trigger a larger area
 11 for evaluation of the problem and the larger area for
 12 consideration of the solutions to those problems.

13 So I think that kind of gives an overview.

14 We can open it up to discussion.

15 CHAIRMAN MADIGAN: The lights are on.
 16 Tom.

17 MR. MADDOCK: That's a good statement
 18 there, Lester.

19 I wonder if you could comment, let's take the
 20 situation here where you have the Colorado River, for
 21 example, as a source of water for Metropolitan Water
 22 District, and so, you know, maybe they should go get water
 23 from Arizona or something, but, anyway, now you've got
 24 another linkage on here, and I realize your objectives
 25 here.

1 Where in the world do you stop this?

2 And I'm not trying to throw a hang grenade in
 3 this process, but I mean at some point you have to say,
 4 well, that's an independent issue that certainly can't be
 5 dealt with by this group.

6 I mean, it's got to be dealt with by the
 7 Metropolitan Water District that owns the water rights and
 8 it would potentially have some impact, you know, maybe
 9 Metropolitan should get more water from Palaverde
 10 Irrigation District or something.

11 So it would impact what would be the ultimate
 12 output in terms of, say, what water supply capabilities
 13 should the Delta provide, and so could you give us your
 14 thought -- obviously, you must have thought about that.

15 MR. SNOW: A couple of comments come to
 16 mind.

17 One was even at the Workshop, I think it was
 18 even the representative for Metropolitan, indicated that
 19 probably one of the things we need to do is assume some
 20 base level of best management practices was going on with
 21 respect to water management -- or with respect to water
 22 demands out of the Delta, that we cannot be in a situation
 23 where people will get more water so they can waste it. I
 24 think that was the intent of the comment that was made.

25 And so there needs to be some, at least,

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1 assumption of reasonable best management practices being
2 undertaken by those who are taking water out of the Delta
3 or taking it before it flows into the Delta.

4 And our approach at this point to try to
5 integrate that issue has to do with the inputs and outputs
6 that I made reference to, where we would try to analyze
7 different levels of demand and see what kind of impact they
8 have onto the solution sets that we're deriving for the
9 Delta.

10 And if -- maybe I can even use the map to help
11 out.

12 One of our ideas to deal with the issue that
13 Tom raised was that one of the outputs from the Delta is
14 water demand by the exporters, and so one of the things
15 that we can evaluate is a range of demand.

16 And in so doing we're kind of testing the
17 levels of best management practices or alternative sources
18 that can be developed and within some reasonable range, and
19 I don't even know what it is -- I'll just make something
20 up -- four million acre feet to nine million acre feet --
21 Tom Graff wants it to be more like ten million acre feet
22 but we're telling him, no, no more demand than that.

23 And to start looking at how sensitive the kind
24 of problems and solutions that we are dealing with are to
25 the different levels of demand and then define some

1 problem, but if the wetland problem manifests itself in
2 San Pablo Bay, it's outside the purview of this process,
3 even though it comes about from the very same sort of
4 surface water management activities that we are focusing
5 on.

6 I think we'd be better off just to drop the
7 proviso and say, well, it's got to stem from the management
8 and control of water or beneficial use of water within the
9 Delta but it could be manifested in the Delta or elsewhere.

10 MR. SNOW: You raised an interesting
11 point.

12 I can't say that we thought specifically about
13 that situation. So I guess we need to give that one some
14 more thought.

15 The other point that that raises is a lot of
16 these other kinds of issues, and I think wetlands in the
17 Bay Area is an example, where there's other processes
18 identifying wetlands programs and how much wetlands should
19 be restored and it's our intent to link to those kinds of
20 existing processes so we are not re-inventing the wheel in
21 a lot of these cases and we can leverage off of good
22 quality existing work and actually wetlands in the Bay is a
23 good example of that where we might envision down line
24 where we are coming up with a wetlands strategy related to
25 the Bay -- or the Delta as we've defined it here and we

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1 envelope of reasonable demand out of the Delta that's
2 related to some of the best management practices or in the
3 case of Metropolitan the IRP process, Integrated Resources
4 Planning, to try to get a handle on that.

5 So I don't have a definitive way of dealing
6 with the issue that you raised but kind of a process that
7 we think we can analyze those kinds of issues as we go.

8 Does that answer your question in part?

9 MR. MADDOCK: That's a good answer.

10 CHAIRMAN MADIGAN: Okay. Well done.

11 Hap.

12 MR. DUNNING: Looking at the Draft
13 discussion paper the essence seems to be to say that any
14 problem currently associated with the management and
15 control of water or beneficial use of water within the
16 Delta is within the purview of CalFed Bay-Delta Program
17 provided that at least part of the problem is manifested
18 within the Delta.

19 It's the proviso that I have trouble with
20 because I think there are problems that come from
21 management and beneficial use of water in the Delta region
22 that manifests themselves elsewhere.

23 As I understand what you're saying, Lester, if
24 management of water in the Delta causes a wetland problem
25 in Suisun, that's in the core area, that's identified as a

1 make sure that we put it together properly with the
2 existing wetlands program that's going on in the Bay Area.

3 MR. DUNNING: But the same things could be
4 said about existing wetlands programs in Suisun.

5 MR. SNOW: Exactly, right.

6 MR. MANTELL: Lester, I'm not sure that I
7 understand why the proviso would affect the example that
8 Hap used if, in fact, that the wetlands in San Pablo Bay
9 were being affected by activities in the Delta the would
10 come under the purview --

11 MR. DUNNING: It says "provided at least
12 part of the problem is manifested within the Delta.

13 MR. MANTELL: Right.

14 MR. DUNNING: It's not within the Delta.

15 MR. SNOW: Well, the way that that would
16 work, Hap, is I think it's pretty clear to us that there is
17 a wetlands problem in the Delta, and so you have a wetlands
18 issue, and, therefore, you would look at the entire area to
19 develop your solution sets, including the Bay.

20 MR. MANTELL: I guess I was thinking if a
21 problem at San Pablo Bay wetlands is caused in part by
22 water quality or quantity problems coming out of the Delta,
23 then it would come within the purview of this --

24 MR. DUNNING: Within this definition?

25 MR. MANTELL: Yeah.

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1 I'm asking.
 2 MR. DUNNING: Well, that's what I wondered
 3 about. I didn't think it would.
 4 CHAIRMAN MADIGAN: Roberta.
 5 MS. BORGONOVO: Perhaps a part of the
 6 problem is the word "manifested."
 7 If it said something like "is linked to
 8 problems within the Delta", but when you say manifested,
 9 it's as if the problem has to show itself in the Delta, and
 10 I think the whole idea of an ecosystem approach is that you
 11 look at the ecosystem. We talked about that before.
 12 There are no easy dividing lines between --
 13 it's a San Francisco Bay-Delta Estuary system.
 14 So I'd like to see that definition and the
 15 whole spirit of that followed.
 16 I mean, what Hap is saying is if you just drop
 17 that then you don't have to go back and worry about how you
 18 define manifest and what does that mean.
 19 You have to change the word, you have to
 20 wordsmith it. You really then go back to any problem
 21 associated with management control, et cetera.
 22 It's just a suggestion, but I wanted to go back
 23 to something else you said, Lester, and that was the idea
 24 of linkage.
 25 I think that part of the worry of having it so

1 as an alternative, I think that would cover this broader
 2 area of problems that may be mainly manifested in the Bay
 3 but have their root, have their cause, in the Delta or even
 4 farther upstream, would do the trick and I sense would make
 5 more of us comfortable about it.
 6 CHAIRMAN MADIGAN: Thank you, Roger.
 7 Let me ask Hap about that.
 8 MR. DUNNING: Yeah, that would be a big
 9 improvement.
 10 CHAIRMAN MADIGAN: Michael?
 11 MR. MANTELL: I think it will work.
 12 CHAIRMAN MADIGAN: Roger?
 13 MR. PATTERSON: (Affirmative nod)
 14 CHAIRMAN MADIGAN: All right. Who is
 15 next?
 16 MS. BORGONOVO: I just want to go back and
 17 say --
 18 CHAIRMAN MADIGAN: Roberta.
 19 MS. BORGONOVO: I just wanted to go back
 20 and say that one of the things that happens is here, I
 21 think when we are all following this, we understand what we
 22 mean, but I'm thinking again of the public at large and if
 23 the public at large doesn't have the same understanding
 24 that we have, that, in fact, it's been clarified, that's
 25 why these kind of wordings are important.

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1 narrowly defined is that there are these other processes
 2 going on and there's some basic assumptions that go into
 3 all of us being here and as long as we can make sure that
 4 those basic assumptions are in place, I think of the
 5 Bay-Delta cord, I think of all of those pieces that were
 6 part of the Bay-Delta cord, including the Central Valley
 7 Project Improvement Act. I think that the San Francisco
 8 Estuary Project and a lot of those recommendations that
 9 were made, if we can be sure that those pieces go forward,
 10 that provides the linkage, it gives us overall
 11 comprehensive solution, which we're worried about, and it
 12 doesn't mean that you have to take this group into a sphere
 13 where it's not possible to solve all those problems.
 14 MR. STRELOW: Lester, potentially Hap was
 15 reading language near the bottom of page 2, which requires
 16 that the problem be manifested in the Delta --
 17 MR. SNOW: Top of page 2.
 18 MR. STRELOW: If you go over to page 3,
 19 right under the heading of "Geographic Issue and Scope," it
 20 says "In contrast to the problem scope which excludes
 21 problems not manifested within or closely linked to the
 22 Delta".
 23 I think if you simply accepted that description
 24 rather than the one that Hap read, which is a little
 25 different because it doesn't have the "closely linked to"

1 So I don't want us to spend time wordsmithing,
 2 but I just want the concepts to be there.
 3 CHAIRMAN MADIGAN: Lester.
 4 MR. SNOW: I think that's an excellent
 5 point and the real proof in any definition, no matter how
 6 much we wordsmith it is how we apply it and so the test on
 7 all this will be the list of problems that we end up, which
 8 we are clearly going to address, which will be a direct
 9 indicator of how we apply this, and I know I'm being
 10 redundant but I want to underscore a point in having -- you
 11 know, given some 30 or here so different presentations to
 12 quite varied groups since initiating this, there are some
 13 that would want us to deal with urban runoff in the
 14 Bay Area and all the way up into beetle infestation in the
 15 watersheds, and we know we can't be that expansive and so
 16 we've got to have a basic definition that helps us confine
 17 the problem and at the same time have something that has
 18 linkage to other issues and is comprehensive.
 19 We think this is an approach to get us started
 20 and, again, we will test it as we generate, you know, the
 21 working lists of the problems that are going to be
 22 addressed.
 23 CHAIRMAN MADIGAN: Sunne.
 24 MS. MCPPEAK: So, Lester, what is it that
 25 you think we've just agreed upon?

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MR. SNOW: Boy, I was hoping to summarize when nobody was in the room, but -- I guess what I heard was that looking at the problem scope as it's worded on page 3, the middle of page 3, and in contrast to the problem scope, which excludes problems not manifest within or closely linked to the Delta, that if we use that kind of intent there, recognizing a close linkage, people are more comfortable with that than as narrowly as -- the more narrow version on the bottom of page one, top of page 2.

That's what I've heard so far.

MS. MCPPEAK: And is there anyone who then would be still uncomfortable with that being incorporated into the scope of the analysis?

MR. SNOW: Yes.

You mean, from my experience?

Yes, there would be two sets of people that would be uncomfortable with that.

One group of people that thinks that that's getting it too broad and, therefore, the process will bog down and not run to conclusion and some people who feel that that's way too narrow and you need to be dealing with forestry management where the water starts from.

MS. MCPPEAK: Okay. And that helps define it.

What about, Mr. Chairman, I was wondering about

appropriate premise. It may be false, but I happen to think that you cannot have a healthy Bay without a healthy Delta.

You could have a healthy Delta and still have a screwed up Bay if there were runoffs or other discharges that hadn't been taken care of and no one should hold accountable then the Delta for those problems in the Bay, and that's what we are trying to separate out, I think.

MR. SNOW: Right.

MS. MCPPEAK: So having said that, I'm still wondering, Mr. Chair, how we could, if at all, resolve around this table, the problem geographic scope to avoid having to redebate this ourselves at any time in the future.

CHAIRMAN MADIGAN: I think Sunne is right.

This is a pretty good time to ask the question.

Alex.

MR. HILDEBRAND: I think as we've discussed with the amendment that was proposed here a few moments ago that we are on the right concept.

It has to be somewhat of a compromise, and it will, as Lester says, be defined by what we do as we go along so that the remaining chore would be possibly reworded to avoid misconception as to what we are trying to do.

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who here still had a problem with it?

And I want to have you pose that question, but I do want to elaborate on it.

I think this discussion is pointing out what might continue to be the dialog three years from now if we don't get as much composure as possible today.

And Roberta put it very well in terms of the outside perception of a Bay-Delta process defining the problem as only the Delta.

I don't think that's what's happening here but I can see how that can get distorted in either the media or the media used to distort that perception by those who would be critics of the process.

None of us would want to -- I think at least I can speak for the people that I represent -- would not want to have a lot of time investigating issues not related to the dynamics of the Estuary itself or a scope of investigation that caused the process to bog down.

But there is -- there are things that go on in the Bay related to the Delta and not to examine those would undermined credibility.

It might also lead us to misunderstanding or not adequately understanding the dynamics of the Estuary and that's why the word linkage, I think, is presumed.

I work on a premise. It may not be an

And I would suggest we move on with that understanding and let Lester and the Staff think a little more about how it's worded rather than what it says.

CHAIRMAN MADIGAN: Anybody else?

Roger.

MR. STRELOW: It just occurs to me, too, that one bit of logic that supports and a drawing the line where I think we are now agreeing to draw it, is that problems in the Bay that are caused by direct discharges or activities there, this isn't universally true, but tend to have institutional frameworks in place that deal with it, however well or not, I mean, but you've got authorities dealing with those issues, whereas really the reason we've got this whole group and your special group and this whole structure is that dealing with problems that arise upstream and have downstream effects in a different geographic area are the unique challenge that we are dealing with, and so I think part of the explanation for why we are not just taking on the whole Bay to deal with that spectrum of opinion can partly be answered by the fact that there are mechanisms in place and they may need to work better and pressure can be brought to do that but at least this effort is really focused in that kind of unique transboundary area, if you will.

CHAIRMAN MADIGAN: I did ask Roger

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1 Patterson and Michael Mantell earlier if there seemed a
2 reasonable notion, and I presume that this is good input to
3 you guys.

4 MR. PATTERSON: Yes, my view is this is
5 about right.

6 I think it's helpful and deals with -- it's a
7 good place for Lester and his people to work around and I
8 think it's going to work so I like it.

9 CHAIRMAN MADIGAN: All right.

10 All right. Then let me, before we move on,
11 ask, again, I have no indication from the audience that
12 anybody wishes to speak to the matter but let me ask to
13 make sure.

14 Is there anybody -- yeah, go ahead, Pete, Pete
15 Chadwick.

16 MR. CHADWICK: Without trying to create
17 some more mine fields here, what I think is somewhat of a
18 discussion represented to Bay Area wetlands discussion,
19 which is certainly going to be a touchy subject in this
20 process, some of the issues related to Bay Area wetlands
21 plainly relate to flows of water through the Delta down
22 into the Bay and how it affects the quality of those
23 wetlands and the definition and interpretation that's being
24 used it seems to me you folks have said that would be an
25 issue that we would consider in this process.

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1 There are other issues related to Bay Area
2 wetlands that relate to land use decisions being made
3 within the Bay Area, and we're -- what's being talked about
4 here would say, okay, those are Bay Area wetland issues
5 that we wouldn't be dealing with in this process.

6 That would be my interpretation, and I'm going
7 to float that out to see if that's consistent with the way
8 people are thinking and hoping they will think about ahead
9 of time.

10 CHAIRMAN MADIGAN: Hap.

11 MR. DUNNING: Well, if it turns on land
12 use decisions in the Bay Area, then I suppose it wouldn't
13 meet the link to criterion, would it?

14 MR. CHADWICK: Correct.

15 That's what I was trying to point out.

16 CHAIRMAN MADIGAN: Okay. All right.
17 Roberta.

18 MS. BORGONOVO: If you even follow Tom's
19 logic about input output and you were looking at the man
20 and you would then get into the whole way in which outer
21 basin people have their water supply, I'm not saying we
22 should investigate it but again it goes back to trying to
23 link these other processes like the San Francisco Estuary
24 Whole Management Plan, and it's very definite that land use
25 decisions do make a big difference in the whole way in

1 which you manage the decision. I'm not saying that that's
2 one of the things we considered but I can see some
3 scenarios in there where it might show that certain land
4 use decisions would make our job easier.

5 That's all I'm saying.

6 CHAIRMAN MADIGAN: All right. I don't see
7 anymore indications of interest from the BDAC.

8 I don't see anybody else in the audience who
9 wants to speak on the matter.

10 This then, Lester will be carried forward to
11 the CalFed powers that be as a suggestion from this group.

12 MS. REDMOND: Can I just make a comment?

13 CHAIRMAN MADIGAN: Sure, Judy, go ahead.

14 MS. REDMOND: I'm not sure if this exactly
15 fits in.

16 I think it has to do with the scope of how we
17 define the problem.

18 And this morning as I was looking over the
19 materials I felt that there's sort of a cross-cutting
20 aspect of why we are all here, which is that we're
21 concerned about the -- of course, the environmental impacts
22 of water decision upon many different constituencies,
23 agriculture, fisheries, recreation, urban constituencies,
24 and I think that's reflected very well in the materials
25 that are presented -- were presented here today but I think

1 that there is another kind of cross-cutting constituency
2 that isn't reflected.

3 I'm not sure exactly how to incorporate it, but
4 one of the reasons that I became involved in all this was
5 that the impact of a lot of decisions about water quality
6 and environmental restoration, a lot of those decisions
7 have a tremendous impact on the social and economic
8 community -- they have social and economic impacts on
9 communities in the, you know, in the Valley and in
10 agricultural areas, and I think that, you know, we've
11 pretty much identified -- in the way that the problem is
12 presented we've identified agriculture and urban and
13 environmental issues fairly well, but the sort of community
14 values of water decisions aren't really reflected here, and
15 I think that when we get to the solution stage of this
16 whole thing, we're going -- we're going to want to find
17 solutions that aren't going to have negative impacts upon
18 communities, either economic, cultural or social.

19 And I don't think those economic and social and
20 cultural issues are reflected here and I know that we don't
21 want to make the scope too huge, but I think it needs to be
22 a little more explicit that there are certainly economic
23 red herrings that are going to come up whenever these
24 things are -- whenever solutions are presented, and I just
25 would love to hear a little discussion on how that could be

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1 made more explicit.

2 Because it's implicit in some ways but it's not
3 clear that that's part of the problem.

4 CHAIRMAN MADIGAN: Hello, Mr. Petry.
5 How are you?

6 MR. ED PETRY: Fine, Mr. Madigan.

7 I'm glad to see some more Members of the
8 Council back again and new faces, too.

9 The young lady's right. We cannot take into
10 consideration just what's in the Estuary.

11 We have to be involved in the social economics
12 of the communities that reflect the water cutbacks and
13 what's happening in the Estuary.

14 We can't do it without affecting the people in
15 the San Joaquin Valley and my area.

16 It's a drastic effect on the social economics
17 of the people in my area.

18 And Lester Snow here was right when he came up
19 at the first of the meeting and was talking about define
20 the problem, then resolve the problem, be careful what you
21 do when you resolve the problem. You fix one thing, you
22 may break something else.

23 A good example of that is in my area in the
24 City of Mendota. Recently we found out that our aquifer
25 was supplied by the San Joaquin River, and we came to that

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1 conclusion because during the time of the drought season
2 when the pool pumpers were pulling from the aquifers in the
3 area of the Mendota Pool there was concern about the water
4 being pulled out of the Mendota Pool and then being pumped
5 back into the pool.

6 Well, the Bureau of Reclamation sent out
7 hydrologists and the hydrologists took a survey of the
8 area, come to find out the ground underneath the Mendota
9 Pool at that point in time was dry, three to 400 foot deep.

10 So that threw the theory away about taking the
11 water out of the pool and putting it back in and using it
12 for transfers.

13 At that point in time our aquifer had depleted.

14 We lost quality and the quantity increased.
15 The quality decreased and the quantity increased or
16 decreased both.

17 So recently since the San Joaquin River has
18 been running this year and between the Mendota -- the
19 Chowchilla bypass and the Mendota Pool there was some
20 400,000 acre foot that passed in our area flood waters,
21 high quality, good clean flood waters.

22 During this point in time we picked up ten foot
23 in our aquifer and then we dropped the total dissolved
24 solids from 16 to 1300 parts.

25 Along beside that a quarter of a mile away in

1 the Mendota Pool there was a farmer that put two wells in
2 there for the City of Mendota. He put the
3 casings -- drilled the holes and put the casings in.

4 At that point in time that they was drilling
5 the holes, that was during the drought season.

6 The aquifer was 40 foot below surface.

7 Just the other day they set the pumps in the
8 holes, the same guy that set the pumps drilled the holes.

9 He said that the aquifer at the time that he
10 drilled the holes was 40 foot deep. Now the aquifer is 20
11 foot deep.

12 So that tells me and everybody else that our
13 source of water in the beginning came from the San Joaquin
14 River, which was high quality water. We didn't have to
15 treat it or chlorinate it, no filter. It came straight out
16 of the ground into our system.

17 Now we have to treat it and we have to
18 chlorinate it, and the reason being a lot of the problems
19 is because the San Luis drain hasn't been completed.

20 When the aquifer drops, then we stop bleeding
21 off water from the west side, from the conduits of where
22 the 45,000 acres is being taken out of production or going
23 to be taken out of production then the salt and brine and
24 everything else builds up in our aquifer, our water quality
25 depletes, our elevation depletes. We lose quality and

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1 quantity.

2 Now, so I'm talking about quality, I'm talking
3 about quantity, and another thing I have to talk about is
4 historical rights.

5 When they had the swap off with the east side
6 contract exchanged with the west side, nobody was concerned
7 about the aquifers in the area, particularly at the City of
8 Mendota, we had a bountiful amount of water and it was
9 good, clean water and high quality water. That's right, it
10 was San Joaquin River water.

11 Then the exchange contractors came in and they
12 swapped over, then we got into a drought situation, after
13 the drought situation occurred, then we depleted.

14 Now, we are back to square one and now the
15 City of Mendota is trying to pursue surface water.

16 In the process of pursuing surface water they
17 want to take our ground water and swap it off with surface
18 water, just don't make a lot of sense when our water
19 quality is improving and our quantity is improving. The
20 problem is we had a seven month flow and that isn't enough.
21 We need more flow in the San Joaquin River to rectify our
22 problem.

23 Now if you're going to fix things in the
24 Estuary, and this is a good example, if it can happen on
25 any Estuary, it can happen down in Southern California or

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1 anyplace else, when you stop going out of the aquifers for
2 irrigation water, you're going to deplete the water for
3 everybody, for agriculture, you're going to deplete it for
4 domestic use or whatever.

5 So we have to be really careful about what we
6 are doing and analyze any process that we go through.

7 I want to thank you.

8 CHAIRMAN MADIGAN: Thank you, Mr. Petry.

9 MR. ED PETRY: Are there any questions?

10 CHAIRMAN MADIGAN: I have to tell you,
11 Mr. Petry, you have gained -- for those of us who have
12 watched you through the BDOC process you have gained a lot
13 of knowledge about your community and its water and it's
14 been really interesting.

15 Good for you.

16 MR. ED PETRY: I don't have the education
17 necessary to compete with a lot of people, and my
18 vocabulary isn't very good, but I'll tell you one thing,
19 I'm like Alex Hildebrand. I use a lot of common sense and
20 that can sure make up for a lot of it.

21 CHAIRMAN MADIGAN: Thank you.

22 Let me ask, anybody else on the BDAC for the
23 comments on Judith's point, which is that are we missing
24 something here in whether you call it community or whether
25 you call it social or just how you define it that water

1 economic and social impacts and, in fact, economic analysis
2 will be a major part of our evaluation of how reasonable is
3 the program that we are proceeding with.

4 Does that help a little bit?

5 MS. REDMOND: Yeah, it helps, and I know
6 when -- I mean, I was just looking in the geographic scope
7 thing and it does say about the impacts of possible
8 solutions. I think -- so that it's clear that we will be
9 looking at impacts and that's important.

10 I think that traditionally the impacts of
11 solutions have considered the most important constituencies
12 to be agriculture, environment and recreation or urban
13 constituencies, and I think what I'm asking is whether or
14 not we couldn't also include in that set of constituencies
15 that we're concerned for the broader community impact of
16 some of these solutions.

17 And, you know, I'm thinking about the fact that
18 we have people here that represent, you know, a small
19 community in the Valley.

20 We have -- there are people who represent the
21 social service Agencies that might be concerned.

22 We have a whole set of community
23 representatives that might be able to think a little bit
24 about the impacts upon the community.

25 And so I like to see that, also, included as a

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1 does play a role in that regard, and I'm not sure that the
2 typical terms that we use, the urban, environmental ag
3 kinds of terms cover that issue very well. It is a good
4 point.

5 Yeah, Lester?

6 MR. SNOW: Actually, a number of the
7 issues that Judith has raised, kind of the social and
8 economic impacts of all of this, are a part of our work
9 program and I guess what your comments have highlighted to
10 me, I probably need to make that more clearly a part of it
11 and where it ties into.

12 It is related to that one graphic that I used
13 about a solution to a problem may cause impacts that just
14 relocate the problem, and we will be doing those kind of
15 impact assessments and also economic analysis because you
16 could conceive of -- just take the salmon problem.

17 You could say that one of the solutions is to
18 ban all commercial and sportfishing of salmon.

19 Well, gee, that's great but what would the
20 economic impacts of that be?

21 You could also say to deal with salmon and
22 giving them better access to spawning areas tear down
23 Shasta and Orville Dam, and those might have a few economic
24 impacts and so it's real important that you're always
25 testing what it is you're proposing to see what type of

1 really cross-cutting kind of constituency that really all
2 of us probably care a great deal about; farmers, fisherman,
3 environmental, community, all of us really care about the
4 larger community.

5 And in some ways that's sort of the
6 cross-cutting broader definition -- constituencies, that we
7 are looking to benefit.

8 But I think that in traditional impact analysis
9 that isn't really looked at, and it needs to be.

10 CHAIRMAN MADIGAN: Sunne?

11 MS. MCPPEAK: Well, I was just going to ask
12 Judith, if we pursued what you said, which has a lot of
13 merit, could you share the kinds of questions that you
14 think should be answered in that kind of an impact analysis
15 for the broader community?

16 What would you be suggesting the Staff look at?

17 MS. REDMOND: The thing that comes most to
18 mind is, well, if -- it's because I was most involved in
19 it -- is, well, when we talk about transfers of water out
20 of agricultural regions and the benefits that those
21 transfers might have, if they have negative impacts in
22 those agricultural regions beyond the impact upon the
23 farmer, if they have negative community impacts, how could
24 those impacts be either avoided or mitigated, if they did
25 occur, those kinds of questions, that we don't just look at

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1 the impact on the farmer or the landowner or the fisherman
2 or the water quality, but we also try to assess what has in
3 the past been -- you know, the trickle down, all of the
4 rest of the community that there may be ways of avoiding or
5 mitigating impacts on the broader community that we need to
6 look at as well.

7 MS. MCPEAK: So community wide, economic,
8 and social impacts for both a community that may be, if you
9 will, negatively impacted in giving up something, those
10 that might be also benefiting from such change?

11 So community wide, economic and social impacts?

12 MS. REDMOND: (Affirmative nod)

13 MS. MCPEAK: I was going to ask
14 Mr. Chairman what Lester thought of that.

15 MR. SNOW: I think we need to address
16 those issues so I guess I'm in agreement, and some of
17 those -- actually, the debate over the last four or five
18 years on water transfers has highlighted what's called the
19 secondary impact or third party impacts.

20 So I think that we've actually gained some
21 increased understanding of some of those and I believe it
22 would be taking that kind of concept and applying it
23 further to some of the other sectors that we are dealing
24 with and understanding that the impact is not just the
25 initial economic impacts of the solution but also the

1 purchase of the farm equipment, which is then reflected in
2 the City budget, Social Services, unemployment, the same
3 way, any drop in employment is reflected immediately in the
4 welfare, social problems, increased cost to the State.

5 So that's what I would be here representing our
6 citizens, not so much the farmers themselves because they
7 have enough representation, but the Municipal governments
8 and the citizens of that area.

9 That structure is in place, whether it's right
10 or wrong, that those towns are there and the people are
11 there, and how were we going to help them convert to a
12 different form of livelihood if things are changed.

13 CHAIRMAN MADIGAN: Yes, Mr. Petry, go
14 ahead.

15 MR. PETRY: There are other factors
16 involved along with social dimension and those addressed
17 factors. Social economics is drastic in our area. A lot
18 of people rely on it.

19 My property value is going to drop considerably
20 if we don't have quality water. It's already dropping.
21 Nobody will loan anybody money to buy my property, not in
22 the City of Mendota, and I doubt if we keep on, the City of
23 Firebaugh will be the same way. You can't keep pulling
24 from the aquifer and transferring it for surface water.

25 What's the difference? You take an acre foot

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1 secondary community impacts.

2 And I think we've already started talking about
3 how are we going to deal with the economics of this and
4 it's not simple. It's not a simple model that we go take
5 off the shell and we know all the impacts. I think it's a
6 good point that Judith has raised here. It's not too early
7 to start thinking about these things.

8 CHAIRMAN MADIGAN: Alex.

9 MR. HILDEBRAND: Well, I think Lester has
10 more or less made the same point. I agree with the concern
11 here and I think it does come up, particularly, when you
12 talk about water transfers and I use the term broadly.

13 It has to do not only with changes in place of
14 use but change in purpose of use, changes in time of use
15 and the -- this interchange between surface water and
16 ground water that Ed was talking about which tends to get
17 ignored because of the legal system pertaining that ground
18 water and surface water are two different things.

19 CHAIRMAN MADIGAN: Marcia, you look like
20 you want to say something.

21 MS. SABLAN: We for example, in the City
22 of Firebaugh, a great percentage of our Municipal budget is
23 based on farming implement sales and so any affect, any
24 affect that we see on the water -- agricultural water
25 deliveries to our area are reflected immediately in the

1 of water out of the ground. You put it in at the Delta
2 Mendota Canal and you use that for irrigation water.

3 Okay. Then we get an acre foot of water from
4 the Estuary by way of the California Aqueduct.

5 The difference is we have to change our whole
6 filtration system. The filtration that we had in the City
7 of Mendota is adequate enough for ground water because
8 ground water is naturally filthy.

9 Most of your solids are out of it now. If we
10 take it from surface water, then we are going to have the
11 cost incurred of a different type of filtration system,
12 which is two to three times the cost of the existing system
13 we have.

14 Who is going to pay for it? The people of the
15 City of Mendota or San Joaquin, Tranquility, Firebaugh, you
16 name it. Now, what then is the prolonged cost. Every
17 three months you have to take that sand and that
18 chalkala (phonetic), that filter and change it. You throw
19 it away and you have to replace it.

20 So the filtration, and the ongoing costs of the
21 filtration system is drastic. We have the initial costs
22 and the ongoing costs. You're laying that burden on to the
23 City of Mendota who has a \$700,000 deficit at this day. So
24 what are we going to do? We are going to look for block
25 rent money? How are we going to get block rent money?

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1 We were told in 1976 and 1977 when I was on the
2 City Council the Government told us we will not give you
3 anymore money. What you have to do is increase your rates
4 and your fees to substantiate any additions or any
5 improvements on your facility.

6 We haven't done it, and we're still \$700,000 in
7 debt. Neither the water Districts or the Bureau of
8 Reclamation or our Bureau's going to pay for our water
9 filtration systems? We can't do it. You have a social
10 economic burden that covers everything.

11 CHAIRMAN MADIGAN: Thank you.

12 MR. BRANSFORD: I'd like to ask Judith a
13 question because I'm a little confused --

14 CHAIRMAN MADIGAN: Don.

15 MR. BRANSFORD: -- and I think it comes
16 back to Sunne, and, that is, are you talking about
17 identifying economic and sociological problems or are you
18 talking about doing that analysis when you talk about
19 solution and looking at the impact?

20 Because if you're talking about problem
21 identification, then I would like you to identify some of
22 those problems for me.

23 MS. REDMOND: Yeah, I'm going to have to
24 read the materials before I can really answer that
25 question.

1 I can define the problem in a way that would fit into the
2 scope here.

3 I think it would perhaps benefit all of us,
4 though, if we did ask that question.

5 Because I think many of the stakeholders around
6 the table care about issues larger than their own
7 constituency, issues larger than just landowners,
8 fisherman, environmental but it's sort of cross-cutting
9 community values and social values of water. That's why a
10 lot of us are here.

11 So I think I have to think about that question
12 a little bit.

13 CHAIRMAN MADIGAN: Okay. Tom.

14 MR. MADDOCK: You know, from my
15 perspective is that the wording that we talked about here
16 is where you have the linkage.

17 I mean, to me how in the world can you talk
18 about the use of the water and what goes on in the Delta
19 without linking it to the economics of the State, and that
20 gets into the social issues.

21 So to me, I mean, for my purposes and, of
22 course, from the California Chamber of Commerce, my
23 constituency, it is that economic linkage. It does it if
24 we agree to that wording and we modify it.

25 Then if it doesn't do it for you, Judith, then

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1 In my own mind I wasn't sure how within the
2 scope that's been defined of the problem, I wasn't really
3 sure how to bring this question up.

4 Because if you think of the problem -- if you
5 do define it as a problem in the -- that we can only
6 discuss problems in the Delta, it would be very difficult
7 for the constituency that I represent to be part of this
8 process, and that's sort of traditionally been the case, is
9 that the problem -- it's sort of difficult to figure out
10 how if you defined the problems in terms of environmental
11 and physical, you know, and supply issues, I'm not sure
12 what -- I'm not sure always how to bring that in.

13 But then when I looked at the -- one of the
14 flow charts that has under "water supply" that has
15 agriculture, urban, recreational and it has all of those
16 constituencies basically listed in a column, you know, as
17 being part of the problem, you know, groups, constituencies
18 that have suffered a problem, it was very clear to me that
19 the constituency that I represent should be listed there.

20 Because even though -- so I think I'm
21 talking -- the way that Sunne presented it was very good,
22 and it's very clear that in terms of impacts we can discuss
23 that.

24 I think I need to perhaps go home and read the
25 materials and think about your question and whether or not

1 we ought to change it, and I don't have any problem with it
2 because it's paramount, I think, in our deliberations but
3 I've got it with that wording.

4 CHAIRMAN MADIGAN: Okay.

5 Yeah. Jack?

6 MR. FOLEY: Thank you, Mr. Chairman.

7 Just so the record isn't void I want to be sure
8 that along Judith's point the perspective that I would be
9 looking at are 16,000,000 customers in Southern California
10 that when that solution to that identified problem is
11 analyzed I certainly have that prospectus to worry about
12 and I just wanted to make sure that we didn't forget about
13 that, along with the farm implement dealers and so forth.

14 CHAIRMAN MADIGAN: Got it.

15 Okay. Lester, you've gotten a fair amount of
16 input on this one.

17 MR. SNOW: Helpful.

18 CHAIRMAN MADIGAN: Help, sure, help would
19 be a good one here on this one. So let's move on.
20 Item E is "Mission Statement".

21 MR. SNOW: Yes, you received in your
22 packet a memorandum regarding the Mission Statement and
23 definition of problems and Judy Kelley is going to go
24 through this.

25 I'd just remind you that you had seen the

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1 example Mission Statement and we have added to it the kind
2 of problem definition that we used to stimulate discussion
3 at our Workshop and you may notice that as you look at the
4 way the problem starts getting defined, then it's kind of
5 less important what kind of details in the Mission
6 Statement except that it supports the Mission Statement.

7 So I'll go ahead and turn it over to Judy.

8 MS. KELLEY: Okay. Thanks, Lester.

9 I'm just going to briefly review the status of
10 the two efforts that Lester just referred to.

11 First I want to describe the progress on
12 defining our mission as part of our overall Phase 1
13 efforts; and, second, I want to describe the process of
14 defining the problems to be addressed by the CalFed
15 Bay-Delta Program in a little different way than we've
16 already heard described today, and I want to specifically
17 explain the purpose of the definition writeup that you have
18 in front of you as it differs greatly in form from the
19 problems in process discussion that we had with Dick Daniel
20 this morning.

21 So I want especially to clarify that.

22 I guess the first thing I need to do is explain
23 that we did make a change in the process, as we first
24 described it in our Phase 1 flow charts.

25 It was originally conceived to be a five part

1 forward into the September Workshop.

2 As we introduced the concept to you last
3 meeting of the Mission Statement today I simply want to
4 recap that discussion by recalling that BDAC Committee
5 members expressed some opinions about the example shown
6 here.

7 Some members believed that the clause will
8 improve and the sixth line was not strong enough.

9 Next overhead, please, the one that doesn't
10 have -- and I'm not going to leave this up here. It's all
11 in your packets. This is the second or third time you've
12 all seen it.

13 And I'd just bring this forward, Committee
14 Member Borgonovo suggested that the expression of
15 philosophy and the fact that the San Francisco Estuary
16 Project vision statement which is here in front of you and
17 also in your packet might be an excellent model for us to
18 consider, especially based on the fact that it was
19 consensus driven and agreed upon.

20 At this time I just want to ensure you that the
21 comments that you made at the last meeting are well
22 remembered and that any additional comments you want to
23 make regarding this example statement or the Estuary
24 project suggestion will also be much appreciated.

25 We're going to finalize our mailing materials

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1 process, and we originally thought that we would have the
2 discussion of mission, goals and problems all at once.

3 We would do that as a joint effort, but after
4 thinking about this further we decided to expand the
5 original five step process into six steps and split off the
6 mission, goals and objectives from the problem definition
7 into a separate step, which is now step two of the process.

8 This was basically done for two reasons; first,
9 in order to concentrate our Workshops and meeting
10 preparation on one key element at a time.

11 And, secondly, we believed that it would be
12 more productive and perhaps more logical to establish the
13 problems set before we tackled the specifics of the mission
14 for the program.

15 So as you see from this overhead, our current
16 plan for Phase 1 calls for the mission to be integrated
17 into Workshop Two of the program scheduled for
18 September 14th.

19 May I have the next overhead, please.

20 Since the last BDAC Meeting where I reviewed
21 the Staff thinking process we used to draft this example
22 Mission Statement we have not received any additional input
23 on this specific statement nor have we spent at the Staff
24 level very much energy developing additional changes or
25 proposed rewordings for a Draft Mission Statement to carry

1 for the second Workshop as you've already heard on the
2 1st of September. So we would like your thoughts, ideas or
3 suggestions, phone, fax, mail, letter, any time up to then.

4 We'll take all of the suggestions received
5 either today or prior to September 1st and recraft those
6 into alternative suggestions for people to think about at
7 the second Workshop.

8 So that's really where we are on this process.

9 The next overhead, please.

10 So the Mission Statement and the Goals and
11 Objectives again will be dealt with in the second Workshop
12 and the Goals and Objectives which flow from the Mission
13 Statement are vitally important to the success of the
14 program.

15 Before your next meeting in October there will
16 be two Workshops, which will focus at least in part on the
17 development of the mission.

18 You will, of course, receive the mailings for
19 each and we hope that you will also be able to attend at
20 least some of the Workshops.

21 So there will be continuing opportunities, of
22 course, past September 1st to interface with the
23 development of the Mission Statement.

24 If there are questions and comments about the
25 status of the Mission Statement development, I'd like to

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1 take them now.
2 Otherwise, I'll go on to briefly describe our
3 efforts in defining the problems as described in the second
4 part of your packet.

5 Does anybody have any comments specific as to
6 the status of where we are on mission development?

7 No, okay.

8 So we just heard from Dick Daniel about the
9 progress that the program is making in our efforts to
10 define the problems that the program has to address.

11 I just want to summarize the relationship of
12 this intense effort which substantially relies on the input
13 and analysis from books like you and through the Workshop
14 process with the problem definition writeup that you have
15 in your packet today. They are different and it might be
16 confusing. What you see in front of you in terms of the
17 four page, five page writeup, is really a public
18 information tool.

19 We need as a program -- and I'm referring to
20 the package, to Agenda Item 3.e., okay -- what we need as a
21 program is the ability to explain in a brief and an
22 understandable way the basic issues compelling the CalFed
23 Agencies and all of you to move ahead with an effort of
24 this scope and cost.

25 The problem definition writeup will achieve at

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1 least part of that goal. This problem definition writeup
2 has two primary functions at this point.

3 First, to assist us in explaining the rationale
4 for the Bay-Delta Program by explaining societal issues
5 which need to be addressed.

6 In this matter it was included as background
7 material for the first Workshop in order to get everyone's
8 thinking going the same directions.

9 Secondly, as these problem definitions are
10 refined through review and input from the results of the
11 Workshop efforts, the document that you have in front of
12 you will ultimately serve as a basis for documenting our
13 project purpose and to define the reasons that we will move
14 ahead with the environmental analysis contemplated in Phase
15 2 of the project.

16 So far the results from our first Workshop do
17 not seem to indicate a need to overhaul or drastically
18 rewrite the definition Summary you have in front of you.

19 In the document we have the same four basic
20 areas of concern for organizing principles, environmental
21 quality, water supply reliability, levee and channel
22 vulnerability and water quality.

23 However, in the process of going through the
24 Workshop process we find that there becomes a disparity
25 between what's being evolved in public discussions about

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1 what's a problem and the writeup that you have in front of
2 you that we're using as an outreach tool to obviously make
3 those corrections.

4 I just wanted you to know where that
5 information came from. I used several sources to draft
6 that piece that's in front of you. I relied primarily on
7 earlier Bay-Delta Oversight Committee products, the
8 San Francisco Estuary Project stated Estuary Report,
9 material from the Water Education Foundation, and it was
10 our review both in-house several times and with our
11 coordinating and cooperating Agencies.

12 So we've made an effort to focus the Summary on
13 the background and status of four issues area.

14 Again, I emphasize the Written Summary is
15 designed to be a information tool and it will help in our
16 EIR, EIS review.

17 So I just wanted to give you a sense of what
18 the purpose of that document was and hopefully not leave
19 you too confused as to why we have a variety of different
20 writeups that refer to problems in the Estuary.

21 So I hope I haven't thoroughly confused
22 everyone.

23 CHAIRMAN MADIGAN: Let's see if there are
24 questions.

25 Roberta, did you have anything that you wanted

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1 to --

2 MS. BORGONOVO: No.

3 I think Judy is doing a wonderful job of taking
4 all kinds of input.

5 What you're referring to when you talk about
6 the definition paper was what we defined as the raw data
7 from the August 3rd Workshop and that's the four sheets
8 that we had that are laid out, the four we started on this
9 morning?

10 MS. KELLEY: What I just talked about here
11 is this writeup that was part of your packet and, yes, I
12 was trying to differentiate that from the materials that
13 were in the Draft and in refined form that you'll see
14 coming forward that also talk about the problems in the
15 Estuary.

16 CHAIRMAN MADIGAN: Good.

17 Thank you, Judy.

18 Agenda Item Number 4. is Upcoming Program
19 Activities and the first Item on that list is Public
20 Outreach.

21 Lester.

22 MR. SNOW: Where are we?

23 CHAIRMAN MADIGAN: 4.a., it says "you".

24 MR. SNOW: Well, yes, I knew that.

25 CHAIRMAN MADIGAN: All right.

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MR. SNOW: Actually, we've initiated a Public Outreach Program.

Before I ask Judy to describe some of that I will have kind of a paid advertisement here.

We were in the process of recruiting a full-time Public affairs person, which is one area of Staff which we have not filled in the CalFed Bay-Delta Program, which is unfortunate, but we are in the process of trying to bring somebody onto the full-time Public Affairs and help us with the mailing lists and distribution we talked about this morning.

It's critical and I hope that the next time we meet I'll report who that is and what they are up to.

CHAIRMAN MADIGAN: The job pays actual money?

MR. SNOW: Yes.

CHAIRMAN MADIGAN: Anybody here on the Council interested?

MR. SNOW: The Council cannot apply.

Judy, do you want to give some comments on the Public Outreach efforts and I'll have a few comments at the end, also?

MS. KELLEY: Okay. One aspect of the CalFed Bay-Delta Program that's often been commented on is that this effort is in large degree without precedent in

of this effort. So are the Workshops and the Public Meetings which are now scheduled for this fall.

But in addition to these events, there are actions taken every day and every week to bring the program out to people and to take folk's ideas and suggestions back to the program.

And I call these the more informal outreach efforts.

Since the program got underway, Lester referred to 30 briefings that he's done.

I think probably in all actuality it's closer to 50 by the time you throw in other activities that the Staff has done, going out to different groups, conferences and Associations to give talks, and we believe these informal efforts are collectively as important as our formal opportunities for public involvement.

Also part of this informal effort are the various written notices, summaries and progress reports we plan to develop and widely distribute throughout the program process.

You've seen the first -- some of these. We plan to do another one very shortly based on some of the material you already have in front of you on how the process for the Bay-Delta Program will go forward and the opportunities for people to input in that.

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terms of the interplay, the cooperation between State and Federal Agencies and interest groups.

In many significant ways this program is very different from other programs that have preceded us.

That means that our Public Outreach and involvement efforts must be very broad in scope and that because our program will potentially touch so many vital concerns in this State our process must be as visible and open to all interested parties as possible.

The CalFed Bay-Delta Program is a product, as you all know, of the accord and the association of State and Federal Agencies with direct involvement of the stakeholders.

Facilitating the participation among all of these folks as part of the program is a key goal of our outreach efforts.

The program our outreach efforts are aimed at making full opportunities available for all parties to play an integral party in the development of the program.

In order to achieve the kind of advice and input we need from the Agencies, interest groups and individuals we have developed or are in the process of developing a number of both formal and informal opportunities for folks to interface with the program.

Your advisory committee meetings are a key part

Can I have the next one, please?

You have a schedule of this and all of the other public activities scheduled so far as part of your packet, but I just wanted to highlight that we do have as has often been mentioned a very intensive effort planned.

There will be a written public participation plan, and I am looking forward, as well as Lester, to having a full-time participation person on board to help with that, but you can see that lacking a written plan and a person designated for full responsibility has not stopped us from forging ahead with a number of these activities.

Can I have the last overhead?

The details for three of those four Public Meetings are available. They are in your packet.

The November 28th meeting in Southern California, I still don't have a location but I'm working with several folks on that and you should have that shortly.

We do hope that you will be able to attend the Public Meeting that is closest to your home. We look forward to that and we hope that you'll let us know if you do plan on coming.

I've heard some things here today about process and outreach that has made us think in terms of what we can do a little bit better next time and in the future to

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1 continue to do good outreach and to make sure that people
2 are adequately informed so I just wanted to let you know
3 that we've already had feedback today that's very helpful
4 in terms of refining our process.

5 Are there questions now about what we intend to
6 do in the future?

7 CHAIRMAN MADIGAN: Members of the Council?
8 Dave.

9 MR. GUY: Just a minor point.

10 I don't see anything down in the San Joaquin
11 Valley per se.

12 Are you planning on having something down in
13 the San Joaquin Valley?

14 Stockton is a long ways away from parts of the
15 Valley.

16 MS. KELLEY: We don't have anything
17 scheduled at this point.

18 Lester.

19 MR. GUY: I think they have so much at
20 stake, I think it would be important.

21 MR. SNOW: We put this together to run
22 through the end of the year, and, as you know, Phase 1 runs
23 through May, and so we will need to have kind of an
24 additional set of these for early '96.

25 And I agree, there needs to be a Fresno or

1 talking with Mike under the previous Agenda Item, but I
2 want to bring it up as a point of illustration.

3 In both the Mission Statement and the
4 philosophy, which I think you have done very well in
5 crafting, the term is used "San Francisco Bay-Delta".

6 Now, San Francisco is a part of a region I
7 represent. Even within that region there is great
8 sensitivity about the fact it's nine or some people count
9 it twelve counties, that go beyond the borders of one City,
10 and that, in fact, the Estuary truly is the -- yes, we call
11 it San Francisco Bay but Sacramento-San Joaquin Delta.

12 MR. ED PETRY: Right.

13 MS. McPEAK: I think, although it's longer
14 words, that using the full terminology is an important
15 addition to especially a Mission Statement and a Statement
16 of Philosophy, and I hope that we will make the attempt to
17 get the word out that soon there will be a Workshop
18 scheduled somewhere within the Valley, being an old Valley
19 Girl there are, you know, two Valleys, and I want to tell
20 you Bakersfield is not Stockton and there's a whole
21 variety, and Firebaugh is not, you know, a city like Dixon.

22 So you've got to do something about maybe more
23 than one Workshop.

24 MS. KELLEY: Yeah, okay.

25 CHAIRMAN MADIGAN: I think you are right

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1 Bakersfield or both or something along those lines.

2 CHAIRMAN MADIGAN: Sunne.

3 MS. KELLEY: We'll have an opportunity in
4 January, February, because we have scoping meetings that
5 we're just in the early process of thinking through.

6 MS. McPEAK: Mr. Chairman, I was just
7 going to say, I think that is very important.

8 Lester and I were in Stockton August 1st, along
9 with Alex and some others, before Assembly Water, Parks and
10 Water Life Chairman Cartessi (phonetic) and I think about
11 four members of the Assembly actually showed up.

12 I think it was the trip to Stockton that
13 actually caused them to go back to Stockton and adopt a
14 State budget because it was that night that they did, in
15 fact, pass something.

16 It was, you know, stimulating discussion about
17 California water that was the breakthrough.

18 Nevertheless, I think it was a serious exchange
19 and a very productive one for about three hours in Stockton
20 about the involvement and the Public Outreach.

21 In fact, that was the assurance, that we were
22 attempting on your behalf to provide to the Assembly and I
23 think we should be back there.

24 I also think the language we use conveys
25 whether or not we have the intent of Outreach and I was

1 on both counts, actually.

2 Tom.

3 MR. MADDOCK: What is the difference
4 between a Workshop and a Public Meeting?

5 MS. KELLEY: That's a good question.

6 And the difference is, and we do it -- we do
7 have the description of each of those as part of one of the
8 mail outs, and if you don't already have it, we'll make
9 sure that you do have it.

10 But the Workshop is really a roll-up your
11 sleeves, get into the details of how we are going to move
12 the program forward and very issue oriented.

13 They are all-daylong affairs and they are very
14 product oriented.

15 The Public Meetings will be an opportunity, and
16 we've conceived of these as being evening meetings so that
17 working folks who can't truck up to Sacramento, which is
18 where these Workshops are going to be held, so they'll be
19 in the evening for people to come and talk directly to the
20 Staff, talk directly to Lester, to hear directly from the
21 CalFed Bay-Delta Program itself about the program, what it
22 represents, what the intentions are at this point and to be
23 brought along. So they are very different with different
24 intents.

25 The Public Meetings are really going to be

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1 primarily informational, whereas the Workshops are much
2 more hands-on process.

3 MR. MADDOCK: Thank you.

4 CHAIRMAN MADIGAN: Anybody else?

5 Questions?

6 Okay. Thank you, Judy.

7 On to Steve Yaeger.

8 Mr. Yaeger.

9 "B., c., and d., Development of Performance

10 Measures, Development of Actions and Categories, and
11 Solution Strategies".

12 Yes?

13 MR. YAEGER: Correct.

14 If I could get you, Tony, to put the first
15 slide up.

16 You previously received a briefing from Lester
17 on the general process flow, and Dick has given you quite a
18 bit of information about where we are on steps number one,
19 "defining the problem," and he also discussed in general
20 how we were moving into step number two, to convert the
21 problems into objectives.

22 I want to pick up at that point and just give
23 you a preview of some of the materials that you're going to
24 see at the next meeting and at following meetings as we
25 move through the steps in the process.

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1 We are gearing up right now to start on
2 completing step number two.

3 Next slide, Tony.

4 As I said earlier, we'll be working on
5 objectives and sub-objectives over the next several weeks,
6 and as we move through the sub-objectives, that is, getting
7 more and more detailed in the sub-objectives, we will
8 arrive at what we are calling performance measures.

9 Now, these measures will be used as we look at
10 solution actions and alternatives down the road to measure
11 how well these solution actions are meeting the objectives.

12 They'll be used to refine and improve
13 alternatives when we get into further steps in the process
14 as we are putting together solution actions into
15 alternatives.

16 I want to describe generally what these
17 performance measures are and what they are not going to be.

18 At this phase in the program they are going to
19 be more qualitative in nature than quantitative.

20 We will be refining those as we get into the
21 final steps of the analysis and putting more quantitative
22 into that, but at this point they are going to be, as I
23 said, quantitative.

24 An example maybe to give you a sense of what
25 they might look like, we talked earlier about a problem in

1 the Delta related to shaded riverine aquatic; that is,
2 there being a lack of shaded riverine.

3 The objective that would go with that would be
4 to increase the amount of riparian woodland in the Delta
5 and a performance measure could be, I want to stress, this
6 is one that it certainly is not defined at this point, but
7 the performance measure in a qualitative sense would be
8 that the acres of riparian woodland.

9 That is, we would evaluate how well we are
10 meeting the objectives by displaying the acres of riparian
11 woodland that the various solution actions and alternatives
12 include.

13 To reinforce that point again, we will not at
14 this point in the process be setting the target number of
15 acres of riparian woodland that we'd be looking at. I'm
16 not saying that it's going to be a thousand or five
17 thousand, but only using that interest unit of measure to
18 display how well we are doing in meeting the objectives of
19 the program.

20 Next slide, please.

21 We are also gearing up to start on our efforts
22 on identifying solution actions. As we defined them for
23 the process, solution actions are specific policies,
24 improvements, operational modifications or facilities,
25 which can be combined into an alternative.

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1 And when we're thinking of alternatives at this
2 point we're thinking of bundles of perhaps 40 to 60 to 70
3 distinct solution actions that would make up an alternative
4 that would address the full spectrum of resource needs in
5 the Delta.

6 As part of the work on identifying actions we
7 are going to be inventorying the various other planning
8 programs and reports everybody prepared. There is a link
9 to the Delta.

10 Things such as the CVPIA work, the CCMP work,
11 the Native Fisheries Plan and those types of things,
12 inventorying and cataloging the solution actions that have
13 been identified out of all of those reports, doing
14 additional Staff work to identify new solution actions,
15 bringing in many of the actions that have been identified
16 in previous Bay-Delta planning programs and putting
17 together what we feel will be a complete catalogue of the
18 distinct solution actions that we can then begin to start
19 combining into comprehensive alternatives.

20 Now, to aid us in that process we'll be using
21 what we're terming "categories of solution actions".

22 And, that is, there are similar kinds of
23 actions which complement each other in addressing the
24 Bay-Delta solution.

25 So as a way to structure our process we will be

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1 putting together these categories of actions.
 2 An example, just to give you a sense of what we
 3 mean when we talk about categories, is one category could
 4 be the solution actions which act to improve habitat for
 5 chinook salmon and that would cover a range of actions that
 6 would address spawning habitat to migratory routes to
 7 fishing regulations and across the board.

8 Next slide, please.

9 So at the completion of Step 3 we will have
 10 identified the solution actions and compiled a memorandum
 11 report which, of course, will be presented to BDAC for your
 12 review, but we have the solution actions; now, what do we
 13 do with them? How do we group those together into
 14 alternatives?

15 Well, this Step 4 really addresses that
 16 process, and it involves developing solution strategies;
 17 that is, ways to combine actions into the bundles of
 18 actions that we will call solution alternatives.

19 I can't tell you that at this point we have
 20 completely refined our thinking about solution strategies.

21 This in many ways is kind of new ground for us
 22 to plow.

23 The past planning programs have used strategies
 24 that, for instance, were resource based. That is, for
 25 instance, the strategy would be to improve water quality or

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1 a strategy would be to improve the diversion capabilities
 2 at a specific diversion.

3 However, our program is addressing not a single
 4 resource area but a wide range of resources, from water
 5 quality to water supply to habitat to vulnerability of
 6 Delta systems.

7 So it isn't entirely appropriate that we use
 8 something like a resource base strategy in order to bring
 9 that all together.

10 Other planning programs have used a results
 11 based strategy; that is, a strategy aimed at, for instance,
 12 producing the alternative that could be implemented in the
 13 least amount of time or a strategy that's aimed at
 14 developing alternatives that leads to the best job
 15 development and economic impetus.

16 The third type of strategy that's been
 17 historically used is that one called a value based
 18 strategy.

19 So when you speak of value based strategies,
 20 sure, you are talking about things like a strategy in which
 21 you would build alternatives where the benefits to all the
 22 interest groups are produced in an equitable fashion; that
 23 is, no interest group really benefits at the cost of
 24 another interest group.

25 That kind of displays for you some of the

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1 potential strategies that we could incorporate, that we can
 2 draw upon to develop a larger strategy.

3 I think at this point our thinking has
 4 progressed to the point where we think that an overall
 5 strategy that would develop alternatives so that components
 6 address the broad spectrum of objectives that the program
 7 has, while also achieving the broad support from the
 8 stakeholder and public interest groups that we need to have
 9 success should be an overall strategy with some of these
 10 other types of strategies as substrategies within that as
 11 resource based or results based or value based
 12 substrategies that would help bring together the actions
 13 into a comprehensive solution.

14 So that summarizes for you quickly the steps
 15 that we are going to be going through in the next six weeks
 16 as we move through the process.

17 It gives you a little bit of a preview of the
 18 types of materials that you'll be seeing at your next
 19 meeting and that we'll be asking you to review.

20 I think that is all I wanted to present at this
 21 point but if you have questions about any of those steps in
 22 the process, I'd be glad to try to deal with them at this
 23 point.

24 CHAIRMAN MADIGAN: Thank you.
 25 Tom?

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1 MR. MADDOCK: I have a comment.

2 You know, you've got the problems here at least
 3 in draft form reduced down to the biological resources,
 4 levee vulnerability, the water supply reliability and the
 5 water quality, and as you talk about Steps like 3 and 4,
 6 and particularly, the strategies where you are discussing
 7 the alternative strategies, and I kind of agree.

8 I mean, from my experience different people use
 9 different types of reference frames, but it would help, I
 10 think, as you maybe discuss that in the future about the
 11 Solution Strategies if you could illustrate that with one
 12 of these problems, you know, so that rather than a generic
 13 description of a value strategy that you translate it to,
 14 let's just say, biological resources.

15 That's one comment.

16 But then a question here on Step 2, Steve,
 17 is -- Step 2 is to Develop The Missions and Goals and
 18 Objectives.

19 Why is it necessary to develop the performance
 20 measures as part of that?

21 I mean, I agree you've got to do it, but I
 22 don't agree necessarily that it's part of the same step,
 23 and I'm interested in the rationale of why it is in the
 24 same step.

25 So, in other words, I'm not disagreeing that it

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1 shouldn't be in there somewhere, but is it part of Step 2?
 2 MR. YAEGER: Well, I think the reason that
 3 we've included it in Step 2 is that it's -- instead of the
 4 logical progression as you move through the problem
 5 definition objectives and then sub-objectives and you're
 6 adding additional levels of detail to the sub-objectives to
 7 address each one of the problems.

8 For instance, to use our example of the shaded
 9 riparian, the overall problem has to do with aquatic
 10 habitat and then you'd identify a subproblem or a smaller
 11 set of that problem as being the lack of shaded riverine
 12 habitat, and you would then develop objectives that deal
 13 with the shaded riverine, sub-objectives that would deal
 14 with specific parts of that type of habitat, and that
 15 progression as you move down the level of detail then
 16 really leads you to an analysis, well, how do we then
 17 declare success on shaded riverine? What is that that we
 18 measure with that that tell us that we have accomplished
 19 our objective there?

20 And as we used an example, that the conclusion
 21 in the case of shaded riverine would be that, well, acres
 22 is a measure that we could use to display that so that if
 23 you looked at solution action A and you evaluate it and you
 24 find, well, it provides an additional 500 acres of shaded
 25 riverine and solution action B only provides two acres, it

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1 gives you a way of judging the availability of these
 2 solution actions than to address the objective.

3 MR. MADDOCK: I didn't have a problem with
 4 whether it should or shouldn't be done.

5 But I mean, my question was is that really part
 6 of Step 2?

7 And I see, like if you're talking
 8 about -- let's just say biological resources, I mean, you
 9 could say the performance measure is you go count fish.
 10 Okay?

11 MR. YAEGER: Right.

12 MR. MADDOCK: And then you get into that
 13 debate as to how you count them, or you say water quality.

14 Well, we'll go test the water quality or the
 15 water supply. Then you'll do a reliability test. That is
 16 your measure.

17 So my question wasn't so much that that is
 18 needed. I agree it's needed.

19 MR. YAEGER: From a practical standpoint
 20 we've displayed the process in these six steps to help
 21 provide an understanding of what we are going to do in this
 22 process.

23 However, realistically when we complete the
 24 problem statements and we have general agreement with the
 25 problem statements, I think we are going to see that at

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1 least the remainder of Steps 2, 3, and 4 will progress on a
 2 parallel.

3 They have to because of the schedule that we
 4 are working under, so the distinction blurs quite a bit at
 5 that point as to which step it's really coming under,
 6 because we are going to be moving on all of those fronts at
 7 the same time.

8 MR. MADDOCK: I agree, it's blurred.

9 CHAIRMAN MADIGAN: Tom.

10 MR. GRAFF: This is a question not so much
 11 for Steve but I think for Lester and maybe for Roger and
 12 Michael.

13 We've got all of these steps that are projected
 14 over the next month and a half or so and we aren't going to
 15 meet as a Council again until October 18th.

16 There is an entity known as the Central Valley
 17 Project Authority that has just released a legislative
 18 proposal, the upshot of which is by the time we reconvene,
 19 if their proposal is adopted by the Congress, the Central
 20 Valley Project will have been directed to be transferred
 21 from the United States to them.

22 I wondered what impact you all thought that
 23 might have on all this.

24 CHAIRMAN MADIGAN: Lester. Sure, you
 25 first.

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1 MR. SNOW: Well, my response is quite
 2 simple and it certainly can be alleged that it's a bit
 3 naive.

4 But when I look at the Bay-Delta System, I'm
 5 assuming that certain things need to change irrespective of
 6 who owns it or operates it and that the need to restore
 7 shaded riverine, that's our popular example we keep using,
 8 will exist whether CVP is opened by the Federal Government
 9 or by some authority, and that's basically how I'm viewing
 10 the whole program.

11 So we are proceeding without any strategy or
 12 contingency on who owns or operates either project, State
 13 Project or CVP, and I think that is sound from a technical
 14 standpoint.

15 The issue that can arise is the politics that
 16 may swirl around such an action, but from the health of the
 17 Bay-Delta System I don't think it matters who owns it.

18 We need to devise a strategy that will improve
 19 it from all standpoints.

20 But I would certainly defer to Roger and
 21 Michael on that.

22 CHAIRMAN MADIGAN: Roger.

23 MR. PATTERSON: I would say I'd probably
 24 have to view it like Lester just stated it, and, that is,
 25 set about the need for work that we are on here and if

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1 something happens there, we'll just get a different Federal
2 representative and things will move on.

3 But I really do think that you can't -- that we
4 need to continue to move in the direction we are talking
5 about here and sort of let that play out on its own
6 independent.

7 Now, I know that that -- the reality is that it
8 will change the mix of things depending on what's
9 happening, but I think that we can't ask Lester to crank
10 that in or change direction or adjust but we need to sort
11 of keep focused on the ball here.

12 CHAIRMAN MADIGAN: Michael.

13 MR. MANTELL: I don't have anything to
14 add.

15 CHAIRMAN MADIGAN: Well said.

16 Anybody?

17 Yeah, Bob and Alex -- I'm sorry, I forgot Alex
18 a couple minutes ago, and then Bob.

19 MR. HILDEBRAND: I think at the last
20 meeting that it was indicated that our project here
21 is -- or process is independent of some other things that
22 are already underway, like the South Delta proposal and the
23 CVPIA.

24 I'm not quite clear how we work around those.

25 In the case of the South Delta proposal it's

1 conducted by CalFed member Agencies and so those Agencies
2 that will be co-lead Agencies on this activity also have
3 these other activities going on, and it's our intent to try
4 to coordinate for two purposes.

5 One, to receive the benefits of the work that
6 had been done in an effort and also to stop from
7 duplicating if we have potentially conflicting or
8 duplicative approaches to it.

9 So we are trying to integrate that into our
10 work program and I guess we'll have to see case by case
11 what level of detail we can do that in.

12 CHAIRMAN MADIGAN: Bob and then Tom.

13 MR. RAAB: I'm wondering if the Bureau of
14 Reclamation no longer is the supervisor of the Central
15 Valley Project what stake then will the Federal Government
16 have in continuing financial support to the CalFed Program?

17 CHAIRMAN MADIGAN: Roger.

18 MR. PATTERSON: Well, all I would say is I
19 think sort of notwithstanding that there is a pretty strong
20 interest and commitment by the Feds in general, and if
21 something happens relative to the CVP transfer, I mean,
22 lots of things will probably shift, but I think

23 nevertheless there will be, there is a continuing Federal
24 interest in seeing some of these problems resolve now.

25 Logistically, how does the money come to the

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1 pretty well-defined.

2 You know what it would be if it goes ahead and
3 what it would do.

4 In the case of the CVPIA it's pretty fuzzy as
5 to what's going to happen with the salmon doubling process,
6 for example, and how it's going to affect the water flows
7 in the San Joaquin, and so I'm not quite clear how we are
8 going to deal with that, working around something that's
9 that ill-defined.

10 CHAIRMAN MADIGAN: Bob.

11 Did you want to answer that, Lester, or just
12 sort of let it slide?

13 I just thought I'd be helpful. No? Okay.

14 MR. SNOW: I could have slinked lower into
15 my chair a little further.

16 Obviously, there is no definitive answer to
17 that.

18 What we are trying to do is coordinate with all
19 of those activities that you mentioned, and there is a
20 report that the Bay-Delta Advisory Council will be getting.
21 It should be in your next packet, and I can't even think of
22 what we've called that, the big picture report.

23 It's the inventory of all existing activities
24 out there, and it will be a fairly impressive document
25 because there is a lot going on and a lot of it is being

1 table there?

2 Obviously, those are things that we'd have to
3 think about, but there is a strong commitment by the
4 Federal Agencies and not just the Bureau of Reclamation to
5 try to work on these things and we'll just have to take it
6 as it comes.

7 MR. RAAB: Just a quick follow-up on that.

8 Where does the money, Federal money, actually
9 come from?

10 On which Agency is the check written, let's
11 say?

12 MR. HALL: Out of our pockets.

13 MR. RAAB: Yeah, I understand that. He
14 says "out of our pockets". But before that.

15 Is it the Bureau of Reclamation that's been
16 writing the check so far or hopefully will write a check if
17 it hasn't?

18 MR. PATTERSON: I don't know about this
19 laundering thing.

20 The way the Feds -- basically the arrangement
21 that we have is the Bay-Delta Program that Lester's running
22 is being shared 50-50, 50 percent State, 50 percent Feds.

23 The Federal money that we are putting into it
24 is coming through the Bureau of Reclamation.

25 It's coming to us as a nonreimbursable

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1 appropriation so it's not a cost to them to get put on our
2 CVP contractors like most of our costs. So there is an
3 appropriation to us and that is the money that is going to
4 support Lester's program.

5 Now, the individual involvement of Fish and
6 Wildlife or EPA or the Bureau of Reclamation or National
7 Marine Fishery Service, if there's supporting things that
8 they are doing, then their Agencies are funding those kinds
9 of activities.

10 But Lester's program is being funded through
11 the Bureau of Reclamation.

12 CHAIRMAN MADIGAN: Tom.

13 MR. MADDOCK: In terms of trying to
14 anticipate future impacts, legislative impacts or political
15 issues that would affect the process, I mean, ultimately
16 whatever we come up with is going to have to recognize the
17 regulatory framework in existence at that time.

18 I mean, I would be the first to admit that as
19 we do that we would be remiss unless we thought about some
20 flexibility to maybe anticipate things that might change,
21 but nobody knows if those things would change.

22 But, I mean, you've got a legislative framework
23 and you have a regulatory framework and so whatever
24 alternative you come up with is going to have to meet those
25 regulatory frameworks or legislative framework or they are

1 linked to the San Joaquin Valley Project Improvement Act
2 and all of those elements?

3 Is that understood?

4 CHAIRMAN MADIGAN: All right, Lester.

5 MR. SNOW: No.

6 I mean, that's not understood by me, that
7 that's all an automatic.

8 There may be people that are much more familiar
9 with the legislation than I and more familiar with, perhaps
10 more importantly, with intent.

11 But I cannot answer that question, I guess, is
12 the best way to say it.

13 CHAIRMAN MADIGAN: Sunne.

14 MS. McPEAK: Mr. Chairman, it may not be
15 exactly on point, but perhaps it would be worth sharing
16 some of the dominant views of the various constituencies
17 that I report to.

18 The Bay Area Economic Forum is concerned about
19 the economy of a given region.

20 Many of the business leaders that are part of
21 our leadership are not just located in the Bay Area.

22 In fact, I would expect that Joan Anderson
23 would have the same -- a good deal of the same membership
24 with the Southern California Water Committee, many of the
25 State Chamber are also these businesses, and there is a

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1 not going to work. They won't pass the test.

2 But I would be the first to admit that over the
3 next three years is that what we see as the legislative
4 framework now or let's say a permitting process -- or
5 permitting requirement might well change during the period
6 of time that we are looking at this. I mean, I think
7 that's a fact of life.

8 CHAIRMAN MADIGAN: Roberta.

9 MS. BORGONOVO: I --

10 CHAIRMAN MADIGAN: I'm sorry, Tom.

11 MR. GRAFF: Just a follow-up, maybe we
12 should get Jason to write a letter to Jason Peltier asking
13 him to assure us that the money will still be forthcoming.

14 CHAIRMAN MADIGAN: What a concept.

15 Is Jason still here?

16 He was here earlier.

17 No? He left?

18 Well, I can't ask him tonight.

19 Roberta.

20 MS. BORGONOVO: My question was does
21 anybody understand then that that's part of whatever the
22 CVP takeover would entail, that it, in fact, it would build
23 in the regulatory framework and the whole part of the
24 Bay-Delta process, the Corps and even the State Water
25 Resources Control Board's water policy plan that we are

1 great concern that at least gets expressed to me pretty
2 frequently among the business leadership that any
3 instability created by cross-fire or a variety of different
4 proposals threatens what they have now invested in this
5 process and have also put great faith in a time frame that
6 will just about make it in terms of the urgency of
7 California's water needs if we all are diligent in getting
8 the job done.

9 And so the question raised about what do these
10 various proposals, including the transfer of ownership of
11 the CVPIA have to do with this, I think, as usual Lester
12 did a very artful, skillful, diplomatic job of answering
13 the question, but there are -- the political dimension
14 could very well impact on those broader levels that Judith
15 brought up earlier in terms of economic impacts.

16 And I actually haven't seen in a long time as
17 much interest in the business community about good water
18 management as there is today because it's clearly seen that
19 unless we have good environmental quality and a reliability
20 for economic development, that California cannot prosper.

21 And so there is concern. I think we are all
22 aware of it but I would probably be remiss if I didn't put
23 it on the record among business leaders that if -- a lot
24 goes on to either derail or confuse this process, that
25 that's not healthy.

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1 CHAIRMAN MADIGAN: Comments by members of
2 the audience?

3 Gary.

4 MR. BOBCAR: I'm sure Lester is really
5 enjoying this part of the conversation right now. I can
6 see he looks extremely relaxed.

7 CHAIRMAN MADIGAN: I think you have a
8 phone call.

9 MR. BOBCAR: I'm going to be nicer than
10 Graff, don't worry.

11 One thing I just wanted to point out and I
12 think it was a comment that was made in the last BDOC
13 session, and, that is, that the Framework Agreement itself
14 recognizes a relationship with CVPIA, this process, and I
15 want to underline that we can point out there are a lot of
16 things going on in the outside world that could affect this
17 process.

18 Not all of them should be ones that we
19 necessarily react to every wrinkle and tremor, but there is
20 a baseline condition that was necessary for us to get to
21 the point where we could proceed with this kind of process.

22 It largely hinged achieving interim water
23 quality standards.

24 It largely hinged on a much greater level of
25 cooperation between the State and Federal Government and it

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1 hinged on the fact that there were protections in place
2 through the CVPIA.

3 So to the extent that conditions are such that
4 the environmental situation in the Bay-Delta could worsen,
5 then that is extremely relevant to this process.

6 I'm not quite sure of the way that it directly
7 interfaces with this process but it's something that can't
8 be completely ignored, I think, the way our co-Chair person
9 characterized it as something that could be derailing, that
10 strong signals need to be sent, that those kinds of
11 derailing activities are not constructive to this process.

12 If, as I believe everyone here is committed to
13 using this process to really get to the solutions, we need
14 to be extremely sensitive to that.

15 That message from the people who are in this
16 room is a very important message to be sent out.

17 Thank you.

18 CHAIRMAN MADIGAN: Thank you.

19 Anybody else?

20 David.

21 MR. GUY: Yeah, it seems like the last
22 couple meetings we've been spending a lot of time talking
23 about this and I think the points are interesting on both
24 sides but I think the bottom line is there are a thousand
25 outside forces going out there and they are not just

1 related to water users.

2 There's a listing of proposals of all kinds of
3 fish out there that could affect these bounds. So my
4 feeling is if we waste all of our time in these meetings
5 talking about these independent outside forces we are not
6 going to get anything done about these outside forces.

7 To the extent that we are all involved in those
8 other processes, that's, you know, we can't divorce
9 ourselves from that, but I think we have a focus here and I
10 would hate to see us get away from that.

11 CHAIRMAN MADIGAN: Roger.

12 MR. PATTERSON: If I could make a little
13 advertisement here perhaps, one on the CVPIA, and I don't
14 want to spend a lot more time on it.

15 But at the recent Hearings the Department of
16 Interior's clearly taken the position that we think to
17 amend the law at this point is not the proper action, and
18 we have been trying to listen very carefully to some of the
19 criticisms with the idea that we think many of them can be
20 dealt with in an administrative type forum.

21 And we are looking at probably about August
22 31st to have a fairly intensive Workshop to deal with what
23 seemed to be the five main areas that people seemed to be
24 experiencing problems with, and as we get the information
25 out on the Workshop, I guess, I would invite participation

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1 from particularly the members of this Council and also
2 those in the audience to help us work through some of the
3 bumps in that because I think as we do that, that can help
4 perhaps calm some of the problems that we might otherwise
5 experience here.

6 So as we get the information ready to send out
7 on that, I'll make sure that Lester and his Staff have a
8 copy so that you'll be aware of it and hopefully can join
9 with us in that Workshop to try to work out some of these
10 issues and keep the chipmunks down as much as we can.

11 CHAIRMAN MADIGAN: Thank you. Thank you.

12 That was helpful input.

13 Thank you.

14 Anybody else?

15 Thank you, Mr. Yaegeer.

16 The next Item is Financial Strategy.

17 Mr. Snow.

18 MR. SNOW: As we have discussed on a
19 number of occasions there's general recognition that unless
20 we work out the financing how we're going to pay for
21 implementation of a long-term solution, this may become an
22 academic exercise and I know from having talked to most of
23 you none of you want to be associated with coming up with a
24 very clever plan that doesn't get implemented and so we've
25 been trying to front load some of the thought process

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1 brainstorming on what a Financial Strategy might look like.
 2 And since it's inception we've modified that a
 3 little bit because as we got started, as Zach MacReynolds
 4 is doing this for is the CalFed Program, CalFed Staff, he
 5 started working with some people and then we recognized
 6 that the round-table and the other groups mentioned this
 7 morning were co-sponsoring a similar effort to look at
 8 financing methods for water projects in the future and so
 9 we have slowed down a little bit to take -- or get some
 10 benefit from that process and so I'd like to have Zach kind
 11 of describe both the CalFed process and also a little
 12 discussion of the round-table effort after it gets
 13 underway.

14 CHAIRMAN MADIGAN: Mr. MacReynolds.

15 MR. MACREYNOLDS: Thank you, Lester.

16 I guess I'd like to do three things really.

17 One is to give you an overview of what we
 18 intend to do from a financial perspective for the eventual
 19 alternatives we come up with.

20 The second is to describe some of these
 21 parallel processes that are going on while we are doing
 22 what we are doing.

23 And the third is to let you know where we stand
 24 today on what we are up to.

25 Before I do that, though, I'd like to give you

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1 some context for what we've been thinking about what we may
 2 need eventually.

3 When we are looking at alternatives, even
 4 though we haven't identified them yet, we are getting the
 5 sense that we are going to need basically four different
 6 kinds of money.

7 We are going to need some -- probably some
 8 amount of capital in the near term and then there is going
 9 to be some amount of annual O and M, annual operating-type
 10 expenses that are going to be needed right from the outset
 11 that you can recognize right away that are going to have to
 12 be able to support what you're doing. That's two kinds.

13 The other two kinds are things that you can't
 14 really identify on the front end but as part of the
 15 adaptive approach to sort of correcting yourself as you go
 16 along, as we go further through an implementation we are
 17 likely to come up with those same two types of money again
 18 in the future in amounts that we can't really identify
 19 right at the start but that eventually we will need.

20 So one of the challenges of coming up with a
 21 financial package for this whole set of solutions is to
 22 build something that can do that, that can provide you what
 23 you need now but also have the kind of flexibility to get
 24 you where you're going to eventually going to need to be.

25 Okay. So enough background context.

1 In thinking about how to approach the Financial
 2 Strategy we've split this Phase 1, which lasts until next
 3 spring, up into three parts.

4 The first one is to sort of get an idea of
 5 what's on our pallet and to come up with a list of a broad
 6 a range of revenue sources, where we could possibly get the
 7 money and how we could possibly structure those things into
 8 a financial package to pay for solutions.

9 And to a certain extent this is in the
 10 abstract, since we haven't identified what we are going to
 11 do yet, so this is a very broad list without getting any
 12 real critique as to which things are going to most likely
 13 be used and in which relative amounts.

14 That's the first step, to decide what we have
 15 to work with.

16 The second step, which will follow that, is to
 17 do that critiquing of these various alternatives and talk
 18 about the pros and cons of each one and what kinds of
 19 things each of those particular ideas is most appropriate
 20 to pay for.

21 That still will happen really before we've
 22 identified exactly what we are going to do.

23 And then the third step will be once -- you
 24 know, probably later on at the end of the year, early next
 25 year if you look at our time frame, when we've started to

1 identify some potential specific alternatives, will be to
 2 match up that list of things that we've critiqued with
 3 specific alternatives and say, okay, we're going to use
 4 revenue source A to pay for parts X < Y and Z, et cetera,
 5 and have a good rationale of why we are doing that and why
 6 we are linking up particular revenue sources and financing
 7 techniques with particular types of solutions that we are
 8 talking about.

9 So that's the kind of three steps that I expect
 10 to go through in this Phase 1 process.

11 Now, as you well know, we've been talking about
 12 while we are doing this lots of other things are going on.

13 One thing that we discovered right away was
 14 that the business round-table was trying to do the exact
 15 same thing and it doesn't make any sense to ignore such a
 16 group and pretend like they are not doing what they are
 17 doing, about you, on the other hand, we can't really rely
 18 on them to do the whole job.

19 So trying to take a common sense approach to
 20 this thing we decided that what we needed to do was make
 21 sure that we had a chance to look at their process, look at
 22 their results, see what they come up with and incorporate
 23 that into what we are doing before we really get done so
 24 that we won't have duplicated efforts, but also we won't
 25 ignore their efforts.

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1 Because that's, I think, what we are afraid of,
2 is completely redoing what they were doing or alternately
3 not picking up good ideas that they had and bringing them
4 into our fold.

5 So their process is generally, they've come up
6 with these two Drafts of papers, which were out on the
7 table, and I think that there has been sufficient
8 information given to you so far that those aren't our
9 papers. We didn't write those, and we gave them out with
10 their permission, but those are certainly Drafts that they
11 are working on, and what their processes is, they came up
12 with these Drafts and now they are holding sort of
13 discussion groups, focus groups around the State to have
14 people comment on them and you can bet that they are
15 getting a lot of comments and they are going to take those
16 comments back and probably substantially revise these two
17 papers you've seen.

18 So they'll be real different by the time they
19 get done with them, and they have a pretty quick schedule.

20 I think they are expected to be done probably
21 mid-September.

22 But I think we have a good process. They were
23 so kind as to let me sit in on one of the focus groups and
24 I thought it was extremely helpful.

25 In fact, one of the things it taught me was

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1 that people have a really hard time thinking about these
2 financial issues in the abstract.

3 Unless you know what you're talking about to
4 pay for, it's really hard for people to try to think about
5 how you're going to pay for it, which was news to me
6 because I'm used to thinking about that in the abstract all
7 the time, but that's a different background.

8 Anyway, that's their process. We will take
9 their results and fold that into what's kind of laying out
10 in our toolbox as the months roll pass here, the next
11 couple months, actually.

12 Also, parallel things that are going on, my
13 understanding is that the so-called stakeholders group is
14 putting together a sort of finance interest area or panel.

15 I'm not sure exactly what that's being called
16 and it's obviously critical for us to coordinate carefully
17 with that group.

18 They, I think, will be obviously thinking about
19 the same issues but maybe more in terms of what the
20 potential flash points are down the road, what the problems
21 may be with using different revenue sources, and it will be
22 very important to work with those people to try to make
23 sure that we don't get too far ahead of them or fail to
24 incorporate their thinking in this process.

25 So that's kind of what's going on in the

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1 finance area outside of this.

2 I won't talk about the CVP thing because that's
3 somebody else's thing.

4 Now, in terms of where we stand today, we had
5 an initial Draft of our finance paper that basically
6 describes the toolbox, and that's when we started thinking
7 about coordinating better with the business round-table
8 group and so that's in a Draft form.

9 We haven't put that out yet because it's
10 incomplete, and what we'll do is we'll incorporate the
11 ideas that come out of the business round-table process in
12 that Draft and then we'll release that as a Draft, which
13 will presumably be quite a broad set of financial
14 alternatives.

15 So that's basically where we are today on the
16 finance picture and how we intend to proceed.

17 Thank you, Mr. Chairman.

18 CHAIRMAN MADIGAN: Thank you, Zach.

19 Yeah, Tom.

20 MR. MADDOCK: I want to make it very clear
21 here, which I tried to do at the beginning of this session,
22 is that there's two steps here with this business
23 round-table paper, is that they are out talking to focus
24 groups, and then, you're right, there's going to be major
25 revisions in this paper.

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1 But then there is another step in that each of
2 the sponsors of this, that is, the California Chamber and
3 the Farm Bureau, has a Task Force that is going to go and
4 review it, and I guarantee you there is going to be some
5 changes in that.

6 So I think, you know, that there's two steps of
7 peer review here, The focus groups and then back to the
8 sponsors.

9 That's one comment. I just wanted to help
10 clarify that for everybody, and particularly for you, that
11 you don't accept what comes out of the results of the focus
12 group as a hundred percent.

13 The second point is that I think that would
14 help here that we need to think about in terms of the
15 financing, and I presume that you're going to address this
16 here as you analyze this, but various methods of financing
17 translate into equity issues; that is, who pays for what.

18 I mean, for example, the State Board Project
19 Water Contractors they pay for everything on the State
20 Water Project and again it could be argued and successfully
21 probably is that the economic benefits of the State Water
22 Project, you know, flow out into non-State Water Project
23 service area.

24 For example, and I think what would help here
25 as you go through this is that if you could -- as you look

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1 at the options for financing, if we could -- if you could
2 help us identify, well, this method is one that, say, is,
3 whatever it is, might be a Statewide benefit. So then A,
4 B, and C. would let them, the taxpayers or whoever in the
5 State of California that benefit from it pay for it.

6 Okay. This is a localized benefit and then C,
7 D, E and F are good for that.

8 I just -- that would be very helpful when you
9 tackle this in your process here.

10 MR. MACREYNOLDS: Yes, exactly.

11 I would expect that to happen in the second
12 part of that process where we're critiquing the different
13 alternatives and talking about where they may be
14 appropriate and what the pros and cons and sort of
15 implications are of each one.

16 MR. MADDOCK: Thank you.

17 CHAIRMAN MADIGAN: Tom.

18 MR. GRAFF: I just have two points.

19 One, I wanted to congratulate, I guess is the
20 right word, the round-table and the Chamber and the Farm
21 Bureau for putting these two papers out to the extent that
22 I know they are Drafts and they can stand a lot of
23 improvement but the process is a positive one, I think.

24 I'm not going to get back into this CVP
25 transfer issue, but there is another matter that's coming

1 Mendota Pool, we are talking about seven month flows,
2 155,580 into the pool, 756,490 down the Chowchilla Bypass
3 flood waters.

4 Nobody pays for their flood waters but they
5 damn sure use them. Now, if you wanted to make a project
6 economically feasible, why would you charge for the water?

7 If they increased the capacity at Millerton
8 Lake 24 foot in elevation, it would hold 5,000 acre
9 additional acre footage. That's twice the capacity it is
10 now at 20,000 acre foot.

11 How long would it take these flood runoffs to
12 pay for that?

13 This year we had close to -- well, over 400,000
14 acre foot that ran into the Mendota Pool.

15 Who'll pay for it. Free water. You know when
16 that water runs? February, March, April, May, June, July.

17 Those are productive months for farming.

18 Nobody pays for the water.

19 Wouldn't it be economically feasible to have
20 these projects if they charged a fee?

21 Wouldn't that put money in the bank in that
22 area?

23 Do the same thing in the Sacramento Delta, if
24 you had flood release channels that are specifically for
25 flood releases.

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1 to a head that relates to this on the State side and that
2 is the so-called Monterey Agreement.

3 One of the effects of the Monterey Agreement is
4 to diminish the capacity of the State Water Project and the
5 State contractors to contribute financially to any
6 solutions that might come out of this process because of
7 the way they are restructuring that effort and this paper
8 at the moment, I don't believe, goes into that, although
9 you and I were at the same focus group so it was raised in
10 that focus group as well.

11 CHAIRMAN MADIGAN: Okay. Thank you.

12 Who else?

13 Members of the audience?

14 Mr. Petry.

15 MR. ED PETRY: The areas in question that
16 have project that require funding or require an available
17 amount of money, you take the area where I'm from in the
18 San Joaquin River.

19 1993 into the Mendota Pool only was 159,751
20 acre foot.

21 Through the Chowchilla Bypass -- these are
22 fresh loads -- was 12,510 acre foot, for a total of 171,690
23 acre foot.

24 Now, that was in 1993.

25 In 1986 the Chowchilla Bypass in the

1 It's something to consider.

2 CHAIRMAN MADIGAN: Thank you.

3 Who else?

4 Mr. Hall.

5 MR. HALL: Yeah, Zach, a question of
6 clarification.

7 I, obviously, haven't read the material that
8 was presented to us today from the business group.

9 You've said that it's -- you've participated in
10 the group, but it's slightly different than what CalFed and
11 specifically you will be doing, Zach.

12 Is it fair to say that it is complementary that
13 it deals with an aspect of the financing issue that is
14 different from what your work will focus on but that it can
15 be somehow combined?

16 Or is that going too far?

17 MR. MACREYNOLDS: No, I don't think that's
18 going too far.

19 I think, to answer your question directly, in
20 the current Draft, and I expect this to change a little, in
21 the current Draft they have zeroed in on a couple of
22 potential revenue sources and go into more depth than we
23 will have in our first Draft, whereas our purpose is to
24 have the first Draft -- They've basically got more breath
25 and less depth, we are going to be the other way around in

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1 the first Draft.
 2 We are going to have more breadth and
 3 potentially a little less depth and build our depth through
 4 the second and third phases so you would expect to see the
 5 ideas that are in that paper included in ours plus some
 6 more.
 7 MR. HALL: Thank you.
 8 CHAIRMAN MADIGAN: David.
 9 MR. GUY: I think it's also important,
 10 just for clarification, on the business round-table, as a
 11 sponsor, the business proposals are purely Statewide, and
 12 if you look at the financing mechanisms, you will notice
 13 that there are a couple that seem to kind of focus on the
 14 Bay-Delta, but it's much more geared for a Statewide-type
 15 of a proposal and I think Zach has touched on that a couple
 16 times, whereas obviously I think what you're going to be
 17 looking at is much more specific in geographic scope, also.
 18 CHAIRMAN MADIGAN: Roberta.
 19 MS. BORGONOVO: I wondered if in your
 20 final analysis, however, you will take into account what we
 21 are calling the outside forces of work, what is taking
 22 place in the Central Valley Water Project and the State
 23 Water Project as far as how it impacts the whole economic
 24 situation and the revenue stream.
 25 MR. MACREYNOLDS: Yes.

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1 And for better or worse, one of the things that
 2 the finance part of this has to do is be brutally
 3 realistic.
 4 If it doesn't work you're not done yet. This
 5 isn't an academic exercise to talk about theoretical
 6 dollars.
 7 This is like mean, nasty bankers with their
 8 green eye shades figuring out if you can pay for this.
 9 CHAIRMAN MADIGAN: Okay.
 10 Who else?
 11 Thank you, Zach.
 12 All right. We'll move on to Item Number 5.,
 13 Finalized Operating Procedures.
 14 There she is. Sharon.
 15 MS. GROSS: I don't want to belabor this
 16 point.
 17 I just kind of want to go over a few things
 18 that we talked about at the last BDAC Meeting as far as
 19 voting.
 20 There were some current concerns by the members
 21 about how we deal with voting and the way that we'll deal
 22 with these types of things.
 23 There was also a concern from, I believe it
 24 was, Ray Remy, about how the advice from BDAC will be
 25 utilized and so I added some language to try to clarify

1 that as well.
 2 As far as the voting policy, it seems we have
 3 to have a -- we don't have to, but we should have some kind
 4 of a formal voting policy, but I talked it over with
 5 Mike and Sunne this morning, and I think what we need to
 6 remember is that the voting is not really the important
 7 thing here.
 8 The important thing is the kind of advice that
 9 you can actually impart, and we need to be sure that that
 10 advice gets to the right places.
 11 In most cases we probably will not have an
 12 opportunity to vote on anything per se.
 13 I mean, as today where we have a consensus
 14 built around certain issues I expect that most likely this
 15 is the way things will continue throughout BDAC, you know,
 16 working through issues and coming to some kind of an
 17 agreement.
 18 However, when we do have some kind of a formal
 19 vote on something towards the end, obviously, we are going
 20 to have some kind of a recommendation sent forward. What
 21 we need to do and what we allowed for is that a minority or
 22 dissenting opinion or opinions go along with the formal
 23 recommendation.
 24 That if there are people who feel that they
 25 have problems with the recommendation, that we provide some

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1 kind of a venue for a dissenting opinion or a minority
 2 opinion or multiple opinions, to go along with the formal
 3 recommendations, to really provide to Cal-Fed what it is
 4 they need, which is information on all aspects concerning
 5 these kinds of things, and hopefully that will allay some
 6 of the problems that people had with voting per se.
 7 CHAIRMAN MADIGAN: Let's stop there for a
 8 minute because it is a question that came up, and I for one
 9 am very comfortable with the notion so long as I think we
 10 do a responsible job of reflecting dissenting views.
 11 I don't think it much matters whether we try to
 12 establish extraordinary vote procedures or something like
 13 that, but this is the time if you have a different opinion,
 14 to express it.
 15 All right. Thank you.
 16 Go ahead.
 17 MS. GROSS: One of the other things that I
 18 wanted to try to clarify was this -- and it kind of goes
 19 along with the voting thing, this -- this who BDAC reports
 20 to -- and I think we need to kind of again kind of build
 21 the ultimate recommendations that are formed from this
 22 whole process, from the whole CalFed Bay-Delta Program,
 23 will go up to the Secretary and the Governor.
 24 BDAC will provide advice into that process.
 25 Therefore, basically working through CalFed and

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1 the CalFed Bay-Delta Program BDAC will provide the advice.
2 So that CalFed will consider and utilize the
3 advice that comes out of BDAC in making, you know, the
4 whole program go forward.

5 So helpfully the language there attempts to
6 clarify that somewhat as well, although I believe it was
7 Ray that was concerned about that, and I probably will even
8 call him individually to make sure that it does address
9 that.

10 CHAIRMAN MADIGAN: Thank you.

11 MS. GROSS: One other thing that we did
12 add was a little bit of clarifying language about
13 alternates.

14 We encouraged the use of substitutes to come to
15 the meetings if you can't be here to collect information
16 for you and to potentially provide some input where
17 necessary on your behalf.

18 However, since you are appointed members we
19 will -- probably will not allow substitutes because they
20 are not official alternates to be sitting at the table but
21 we certainly encourage people to send substitutes, pick up
22 the information that we have here to take back for you, to
23 make sure that you get the necessary information from these
24 meetings since we are covering a lot of stuff in a very
25 fast mode.

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1 CHAIRMAN MADIGAN: All right.
2 Tom.

3 MR. GRAFF: I don't know if this is a
4 distinction without a difference, but why shouldn't we
5 communicate directly to the Secretary and the Governor
6 rather than to Cal-Fed?

7 I mean, I don't know how we can say that CalFed
8 will consider our advice.

9 MS. GROSS: Even -- well, in the charter
10 that was actually put together for BDAC it basically says
11 that BDAC will provide, if by through CalFed -- it says
12 through the Water Policy Council and the Federal ecosystem
13 Director, which are CalFed, and it doesn't -- it says to
14 CalFed, to the Secretary and the Governor.

15 CHAIRMAN MADIGAN: You know, you may have
16 said it as you introduced it.

17 Certainly, my conversations, and I'm sure
18 you've as many as I've had with the Secretary and the
19 Governor, but it's my belief that they intend to take the
20 advice of this group very seriously on its way to CalFed,
21 and if we are at a situation where there is -- where we
22 have serious questions about the process, I suspect that
23 it's in everybody's best interests to try to resolve those
24 between the BDAC and the CalFed process before it wanders
25 up to the various powers that be, anyway.

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1 And so I think we are going to be heard.
2 I'm not personally terribly concerned about it.
3 Hap?

4 MR. DUNNING: But, as Tom pointed out, it
5 seems completely inappropriate to put into the BDAC
6 operating procedures information that CalFed will consider
7 as advice. It just doesn't fit.

8 These are operating procedures for BDAC.

9 CHAIRMAN MADIGAN: I don't have any
10 problem.

11 I think it's damn decent of them to listen to
12 what we have to say.

13 MR. DUNNING: Had we been informed that
14 the adopting procedures had to be adopted by a super
15 majority, a three quarter vote, a perimeter vote of three
16 quarters of the members?

17 MS. GROSS: There was a footnote that said
18 it had to be reviewed by our legal counsel and that was one
19 of the things that our legal counsel asked us to put in is
20 that it affects the amendments as far as the operating
21 procedures so that the operating procedures can be changed.

22 MR. DUNNING: Well, I'm in favor of them
23 being changeable but I tend to favor majority votes.

24 Where does the three quarters of the member's
25 requirement come from?

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1 CHAIRMAN MADIGAN: Mary.

2 MS. SCOONOVER: Hi, for those of you who I
3 have not yet met, my name is Mary Scoonover, and I work for
4 the California Attorney General's Office.

5 I provide legal advice to CalFed Bay-Delta
6 Program and to this Body in coordination with the Federal
7 Solicitor's Office.

8 To answer your question, Hap, the idea was
9 everyone needs to be comfortable with these operating
10 procedures, that we should have an opportunity -- everyone
11 should have an opportunity to review, consider the
12 operating procedures and that it was appropriate for a
13 super majority or three quarters of the members to
14 adopt -- to have the chances to consider, to make sure that
15 those who aren't present today will have the chance to look
16 at, consider and to assure ourselves that there is a
17 comfort level with these procedures.

18 Regular voting on every other item will be by
19 majority of the quorum present and thus clearly noted in
20 the operating procedures.

21 There's no legal requirement. It's more of a
22 policy wanting to make sure that there really is a large
23 amount of support and that everybody has had an opportunity
24 to consider them.

25 MR. DUNNING: Well, the other side of the

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1 coin is it means a minority can control the outcome, if
2 there is controversy about something, which I think is
3 unfortunate.

4 MS. SCOONOVER: Again, the super majority
5 is only in adopting these operating procedures. It's
6 nothing permanent.

7 So there is that potential but again the idea
8 was a majority, a super majority of this organization of
9 this Body ought to be comfortable with these operating
10 procedures if these are the procedures that are going to
11 guide your discussions for the next several years.

12 It's certainly open for discussion, and if
13 that's not acceptable, a simple majority vote is legally
14 supportable. It's just a different approach we take.

15 CHAIRMAN MADIGAN: Steve.

16 MR. HALL: Geez, it was depressing to hear
17 the next several years, wasn't it?

18 But I do want to support the concept of a super
19 majority, particularly in this limited case.

20 The Advisory Committees that I've served on in
21 some cases with other Council members have all used a
22 formula similar to this, successfully.

23 It's a consensual process. If don't want
24 unanimity because that's taking it to extreme, but I think
25 we have all basically agreed to the rules of the road, at

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1 least the simple majority do, or it's going to be hard to
2 make much progress.

3 As far as the other point that Hap made, I
4 agree with him on a technical basis that it may not be
5 entirely kosher to put the put what the Cal-Fed will or
6 will not do with our advice but it's also common practice
7 for deliberative bodies such as this one and the
8 U.S. Congress to make extend their reach by making
9 self-serving statements so I wholeheartedly support it.

10 CHAIRMAN MADIGAN: I'm having a difficult
11 time getting worked up on this one.

12 Is there anybody here that Steve has expressed
13 a concern and Hap has expressed the opposite concern?

14 I mean, I suppose by consensus we could agree
15 to something here but this is the time to resolve the
16 question if we have thoughts on it.

17 Rosemary?

18 MS. KAMEI: Yes, I tend to agree with Hap.

19 I would hate to think that we wouldn't have
20 general consensus anyway, but I think that by having the
21 super majority of three-quarters of our present persons, I
22 think that the minority can control any kind of opposition
23 and that concerns me.

24 And so I don't know if you would even consider
25 like two-thirds or something that would be less than that.

1 MS. GROSS: That three-quarters is only to
2 adopt the operating procedures.

3 The regular voting protocol is a majority,
4 which is one over, you know, one half of a quorum present.

5 MS. KAMEI: Okay.

6 MS. GROSS: So that it's really only just
7 to adopt, like Mary was saying, just to adopt the operating
8 procedures is where we've used the super majority, with the
9 understanding, you know, that the other voting protocol
10 that's in here is one half or a majority of the quorum
11 present.

12 CHAIRMAN MADIGAN: Okay. We are going to
13 take about a one minute break here while the court reporter
14 changes the tape in the machine.

15
16 (Off-the-record discussion)

17
18 CHAIRMAN MADIGAN: Thank you.
19 We are back in order.

20 Eric. You're -- all right.

21 Somebody make a motion.

22 MR. HASSELTINE: Mr. Chairman, I move
23 approval of the Draft Operating Procedures as submitted.

24 MR. HALL: Second.

25 CHAIRMAN MADIGAN: There is a motion and a

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1 second.

2 All in favor say aye.

3 IN UNISON: Aye.

4 CHAIRMAN MADIGAN: Opposed no
5 (No response)

6 Okay. Thank you.

7 Nicely done.

8 Thank you, Mary, thank you, Sharon.

9 Lester, did you have anything else to add to
10 that particular subject?

11 MR. SNOW: Can we revisit?

12 CHAIRMAN MADIGAN: Any time.

13 Item Number 6. on the Agenda is an opportunity
14 for the members of the BDAC to place any other Items before
15 the House that you would like to have placed, either to be
16 brought back at a subsequent meeting or whatever.

17 Anybody?

18 Seeing none, then the last Item on the Agenda
19 is our Public Comment period and this again is for
20 individuals who wish to be heard on matters not
21 specifically identified before on the Agenda.

22 We have two requests.

23 We have Mr. Paul Simpson.

24 Mr. Simpson.

25 Sir, how are you today?

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1 MR. PAUL SIMPSON: Very fine. Thank you.
 2 Good afternoon.
 3 CHAIRMAN MADIGAN: Good afternoon.
 4 MR. PAUL SIMPSON: Ladies and gentlemen,
 5 Mr. Chairman, Madame co-Chairman and esteemed Members of
 6 the Council:
 7 I am a Consulting Civil Engineer and about
 8 40 years in water supply, water quality and many other
 9 aspects of water rights.
 10 In my early years, about eight of them with the
 11 Department of Water Resources and most recently about seven
 12 years with the Central Valley Regional Water Quality
 13 Control Board, currently serving as a County Supervisor in
 14 Plumas County, California.
 15 And you may ask why in the world is somebody
 16 from Plumas County down here worrying about the Delta.
 17 Actually, you've touched on quite a few
 18 subjects during the day that I've sat through, and I hope I
 19 don't take too much of your time.
 20 I'm sure all of you are anxious to adjourn and
 21 leave, probably some are even glazed over and haven't
 22 noticed the audience has dwindled a little bit.
 23 CHAIRMAN MADIGAN: They are a formidable
 24 group.
 25 Don't worry about the audience.

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1 It's thoughtful of you to worry about the
 2 Council, however.
 3 MR. PAUL SIMPSON: I got a kick out of the
 4 discussion this morning about the geographic limits of the
 5 Delta and the solutions and the fix and you were very
 6 solicitous, Mr. Chairman, inviting Public Comments, and I
 7 kind of bit my tongue several times to avoid jumping up.
 8 But I attended the Workshop a couple of weeks
 9 ago and had prepared a couple of pages of comment.
 10 Unfortunately, the format of the Workshop was
 11 like six word bullets on the wall so I didn't have an
 12 opportunity to present my comments then.
 13 I've submitted them since and I understand
 14 you'll probably get them by the 1st of September, and I'll
 15 be brief. I don't want to read those.
 16 But as you have learned today, those of us that
 17 did attend the Workshop are somewhat in the dark because
 18 you have our raw comments and we don't have them. So we
 19 don't know what you've been told about what we said.
 20 Some of the problems that we perceived in the
 21 Delta are probably also applied to watersheds.
 22 Plumas County for those of you that may not
 23 know where it is is essentially a small County in Northern
 24 California but it's virtually all of the Feather River
 25 watershed and virtually all of the State Water Project

1 water that you're talking about today, at least that
 2 portion of the Delta water supply comes from Plumas County
 3 and the Feather River watershed.
 4 We believe there are problems in water quality
 5 and quantity that not only affect the Delta but that affect
 6 Feather River watershed.
 7 Despite some of the maps to the contrary the
 8 water doesn't originate at Orville nor Shasta nor Friant
 9 nor Folsom.
 10 It originates in the watersheds, and we just
 11 simply want to, I guess, call to your attention, remind
 12 you, that watersheds are critical to not only the quality
 13 of the water that arrives at the Delta but that leaves the
 14 Delta for export elsewhere.
 15 Without the watersheds there is no water to the
 16 Delta.
 17 And we'd also like to, I think, call your
 18 attention, whether or not you can do anything about it or
 19 not is probably a moot point, but we believe that some of
 20 the value of the water at the Delta or delivered elsewhere
 21 needs to be shared with the areas of origin, the
 22 watersheds, to approve those watersheds and the health of
 23 those watersheds to consequently improve the quality and
 24 the quantity of the runoff.
 25 I think I've covered most of my points. It's

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1 been an enjoyable day renewing some acquaintances that I've
 2 had over the last eight or ten years, and I'll look forward
 3 to seeing you further in the future.
 4 We are interested in this water comprehensive
 5 solution as, I think, Lester pointed out earlier, a
 6 comprehensive collaborative solution is something that all
 7 of us in California are concerned about and interested in
 8 and we want to do our part as well as receive our share of
 9 the solution.
 10 Thank you.
 11 CHAIRMAN MADIGAN: Thank you, Mr. Simpson.
 12 Those were helpful remarks.
 13 Mr. Petry.
 14 MR. ED PETRY: As if I hadn't said enough
 15 already, and I'd just like to come up here and thank the
 16 BDAC committee now, and I'm grateful that the Federal
 17 Government is involved in this along with the State.
 18 It makes it easy and it kind of relaxes my mind
 19 about lack of communications anymore and being that's all
 20 of us parties are in one place it's easy to converse rather
 21 than to run all over the State chasing one Agency or the
 22 other.
 23 CHAIRMAN MADIGAN: Relax now, Mr. Petry.
 24 Eternal vigilance is the price.
 25 MR. ED PETRY: And I'd also thank the

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1 members who picked up Marcia Sablan.
 2 I know that she is going to do well because
 3 she's got an administrator that's pretty knowledgeable from
 4 the City of Firebaugh.
 5 And I want to thank you.
 6 CHAIRMAN MADIGAN: Thank you.
 7 And I understand that three other stakeholders
 8 that are here today would like to be heard, too.
 9 Byron Buck, and Rich and Gary, all three of
 10 you. You've even lined up. Are you guys good or what.
 11 MR. BYRON BUCK: This is all a joint
 12 presentation.
 13 I'm Byron Buck representing California Water
 14 Association.
 15 MR. RICHARD GOLB: My name is Richard
 16 Golb, representing the Northern California Water
 17 Association,
 18 And we would have coordinated our ties had we
 19 known we were going to do this in threesome.
 20 MR. GARY BOBCAR: Gary Bobcar, I will be
 21 speaking for the stakeholders.
 22 Well, on behalf of the water users and the
 23 environmental community, at the last BDAC Meeting I
 24 mentioned briefly that there was an effort among some of
 25 the interest groups to coordinate our input into the

1 legal aspects of long-term Bay-Delta solution and funding
 2 options for a long term Bay-Delta solution.
 3 At present our expectation is that we will not
 4 be offering comment as stakeholders to each meeting of BDAC
 5 in each CalFed Workshop but rather identifying in our own
 6 process points of agreement and hopefully narrowing points
 7 of disagreement that will be reflected in our individual
 8 input into this process.
 9 And then in the long run we are hoping that
 10 through our own internal discussions that we will be able
 11 to arrive at a consensus set of recommendations to CalFed
 12 as to the most useful set of alternatives for further
 13 review.
 14 I think that covers most of the points I wanted
 15 to make about the process.
 16 I'll ask Byron or Rich if they want to add
 17 anything to that?
 18 MR. BUCK: (Negative headshake)
 19 MR. GOLB: (Negative headshake)
 20 MR. BOBCAR: I'd be had a happy to answer
 21 any questions about the process.
 22 CHAIRMAN MADIGAN: Tom.
 23 MR. MADDOCK: What's your timeline on this
 24 and how does that fit in with the timeline that Lester
 25 talked about on this process?

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1 BDAC and CalFed process and we wanted to elaborate on that
 2 a little bit at this meeting to let you know what we are
 3 doing and just keep you apprised of our activities.
 4 The group that's been inappropriately labeled
 5 the stakeholders for want of a better term includes a
 6 variety of representatives of different interest groups and
 7 I'd like to run through the list for you.
 8 It includes the Pacific Coast Federation of
 9 Fishermen Association, the California Sportfishing
 10 Protection Alliance, the Northern California Water
 11 Association, San Luis Delta, San Luis and Delta Mendota
 12 Water Authority and Kern County Water Agency and Tulare
 13 Lake Storage District, Modesto Irrigation District, State
 14 Water Contractors, the Metropolitan Water District, the
 15 East Bay Municipal Utilities District, Contra Costa Water
 16 District, Santa Clara Water District, City of San
 17 Francisco, the Bay Institute, the Environmental Defense
 18 Fund, Natural Heritage Institute, The Sierra Club, Natural
 19 Resources Defense Council, Nature Conservancy, the
 20 California Waterfowl Association, and I believe that
 21 representatives of in-Delta agricultural interests will
 22 also be participating in that process.
 23 At present the stakeholder activity focuses
 24 around three working groups. Those working groups address
 25 the issues of alternatives, design of institutional and

1 MR. BOBCAR: Well, obviously, we hope to,
 2 you know, if we are able to reach consensus on our
 3 recommendations, have them well in advance of the end of
 4 this process.
 5 Right now we are aiming for early in 1996 to be
 6 able to present consensus recommendations, but hopefully,
 7 as I said, even where we don't have formal consensus
 8 recommendations, that the conversations we are having now
 9 will be helpful in coordinating our individual input into
 10 this process at every step of the way.
 11 MR. MADDOCK: Thank you.
 12 CHAIRMAN MADIGAN: Thanks, guys.
 13 Appreciate it.
 14 I think that's a useful way to make input
 15 anyway.
 16 MR. BOBCAR: Mr. Chairman, I'd like to
 17 stay up and make a comment, trick individual --
 18 CHAIRMAN MADIGAN: Sure.
 19 MR. BOBCAR: -- so much for consensus.
 20 CHAIRMAN MADIGAN: Dealt with
 21 appropriately and swiftly.
 22 MR. BOBCAR: With my Bay Institute hat I
 23 just wanted to make a very brief comment about the Mission
 24 Statement, and that was I realize that this is an example
 25 rather than a formal Staff recommendation, but I

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1 really -- unlike much of the fine work that's been done by
2 the CalFed Staff, I think it's a bad example, and I hope
3 that subsequent versions will be greatly improved.

4 A concern I have is that the only really strong
5 mission that seems to be set out here is to improve
6 certainty for offstream users of the Bay-Delta, and I think
7 it's extremely critical that the focus on restoring
8 ecological integrity to the Bay-Delta System be adequately
9 integrated at the heart of any Mission Statement and we'll
10 submit some written versions for your consideration that
11 try to get at that.

12 Thank you.

13 CHAIRMAN MADIGAN: Thank you.

14 Members of the Council, anything else for the
15 good of the order?

16 If not, then we are out of here.

17 Thank you very much.

18

19 (Whereupon the meeting recessed at 3:40 p.m.)

20 ---oOo---

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1 STATE OF CALIFORNIA }
2 COUNTY OF SAN JOAQUIN } ss.

3 I, SUSAN PORTALE, Certified Shorthand
4 Reporter of the State of California, do hereby certify:

5 That on the 16th day of August, 1995, at
6 the hour of 10:15 a.m., I took down in shorthand notes the
7 said Ba-Delta Advisory Council Meeting and the proceedings
8 had at the time such Meeting; that I thereafter transcribed
9 my shorthand notes of such testimony by computer-aided
10 transcription, the above and foregoing being a full, true
11 and correct transcription thereof, and a full, true and
12 correct transcript of all proceedings had and testimony
13 given.

14

15

16

17

18

Certified Shorthand Reporter in and for the
County of San Joaquin, State of California

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21

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